

**JOURNAL**  
**OF THE**  
**House of Representatives**  
**OF THE**  
**STATE OF ALABAMA**  
**REGULAR SESSION**  
**OF 1996**

**HELD IN THE CITY OF MONTGOMERY, ALABAMA**  
**COMMENCING TUESDAY, FEBRUARY 6, 1996**



**Vol 2**

**WITH AN INDEX PREPARED BY THE**  
**CLERK OF THE HOUSE**

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**TWELFTH DAY**

**House of Representatives  
Montgomery, Alabama  
Tuesday, March 19, 1996**

The House met pursuant to adjournment.

**PRAYER**

The session was opened with prayer by Reverend Mac Buttram, St. Andrews Methodist Church, Cullman, Alabama.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Jennifer Howell, Senior, Sparkman High School, Toney, Alabama.

**ROLL CALL**

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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A quorum was present.

**REPORT OF STANDING COMMITTEE ON RULES**

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eleventh legislative day and finds the same to be correct.

TOMMY CARTER  
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the eleventh legislative day was dispensed with.

**MOTION TO ADJOURN ADOPTED**

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 10:00 o'clock a.m. on Wednesday, March 20, 1996, and the motion was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report, with amendment:

S.J.R. 56. SUPPORTING THE ADOPTION OF THE "RIGHT TO KNOW" MANAGED HEALTH CARE PLAN DISCLOSURE.

The question was then on the adoption of the amendment reported by the Standing Committee on Rules, said committee amendment being as follows:

Amend S.J.R. 56 on page 2, line 20 by striking after the word "legislation" the following: "mandating" and inserting in lieu thereof the following: "encouraging".

**AMENDMENT ADOPTED**

And the amendment was adopted.

On motion of Representative Carter, the resolution, S.J.R. 56, as amended, was adopted.



**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 261. MOURNING THE DEATH OF JOE M. YOUNG OF BRUNDIDGE, ALABAMA.**

WHEREAS, it is with deep sadness and regret that the Alabama Legislature notes the untimely death of Joe M. Young of Brundidge, Alabama, on December 30, 1995, at the age of just 60 years; and

WHEREAS, a graduate of Seale High School, Mr. Young served his country with the United States Marines, including a tour of duty in Korea; and

WHEREAS, a very hard-working employee, Mr. Young was successfully employed with the State of Alabama Highway Department, 7th Division in Troy, Alabama, until his retirement in 1990, and continued to be there for others and lend a hand when needed; and

WHEREAS, losing his life from complications after open-heart surgery, Mr. Young's death has indeed left a void in the Brundidge Community, and in the lives of all those privileged to know him as a kind, generous, and thoughtful man whose care and concern for the betterment of his community, family, and friends will long be remembered; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Joe M. Young of Brundidge, Alabama, and extend our deepest sympathy to his beloved wife, Dorthy, who was a constant source of support and encouragement; son, Richard; special grandson, Justin; and to other family members, whose sorrow we share.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to his wife with our sincere condolences.

On motion of Representative Carter, the resolution, H.J.R. 261, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 262. RECOGNIZING AUGUST 9, 1996, AS AGRICULTURE TEACHERS' DAY IN ALABAMA.**

WHEREAS, today's agriculture has more than 200 rewarding careers in production agriculture and off-farm occupations; and

WHEREAS, agricultural education and the FFA are preparing the young men and women of Alabama for a bright and productive future in the science, business, and technology of agriculture; and

WHEREAS, the continual success of agricultural education and the FFA in the public schools is dependent upon the dedication of professional agricultural educators; and

WHEREAS, the professional growth of agriculture teachers is enhanced by membership and involvement in the Alabama Vocational Agricultural Teachers Association; and

WHEREAS, agriculture teachers perform an invaluable service by providing technical instruction in agriculture and by encouraging cooperation, promoting good citizenship, and inspiring patriotism among Alabama's more than 20,000 agriculture students; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of their invaluable role in the education of Alabama's agricultural students, it is with greatest pleasure and highest commendation that we recognize August 9, 1996, as Agriculture Teachers' Day in Alabama and encourage its support statewide.

On motion of Representative Carter, the resolution, H.J.R. 262, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 269. RECOGNIZING THE SISTER CITIES AGREEMENT BETWEEN THE CITY OF CULLMAN AND THE COMMUNITY OF FRANKWEILER ON THE WEINTRABE, GERMANY.**

WHEREAS, the Community of Frankweiler and the City of Cullman have established a Sister Cities Agreement to foster an understanding of their different cultures, pay tribute to long established friendships, and to continue on-going communication; and

WHEREAS, founded by Colonel Johann Gottlieb Cullmann, who was born July 2, 1823, in Frankweiler, and who died in Cullman, Alabama, on December 3, 1895, the City of Cullman has always had close links with Germany; and

WHEREAS, acting on behalf of their fellow citizens, Jack Sides, Mayor of the City of Cullman, and Gunter Stiess, Mayor of the Community of Frankweiler, met on May 24, 1987, and, under their leadership and direction, ratified the Sister Cities Agreement and establishment of a worldwide commonwealth based on everlasting friendship; and

WHEREAS, since that time, numerous visits have taken place between residents of the two cities and, on April 10-14, 1996, approximately 30 German citizens will be honored guests at a communitywide dinner in the City of Cullman; and

WHEREAS, the Community of Frankweiler and the City of Cullman have indeed established a program of dedication and inspiration, and serve as worthy role models for their leadership and involvement in this worthwhile endeavor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body, and in particular the Cullman Legislative Delegation composed of Representative Neal Morrison, Representative Tom Drake, and Senator Don Hale, hereby commend the Community of Frankweiler and the City of Cullman on the formation of their Sister Cities Association, and hereby direct that two copies of this resolution be made available to Mayor Jack Sides.

On motion of Representative Carter, the resolution, H.J.R. 269, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 272. COMMENDING CHRISTOPHER PHILLIP STEPHENS ON OBTAINING THE RANK OF EAGLE SCOUT.

WHEREAS, Christopher Phillip Stephens of Anniston, Alabama, has successfully completed the requirements for the prestigious rank of Eagle Scout, the highest attainable in the Boy Scouts of America, and in recognition thereof, he is deserving of special commendation; and

WHEREAS, a member of Boy Scout Troop 9 at Saint Mark's United Methodist Church in Anniston, Alabama, this rank was earned through countless

hours of hard work, diligence, and great perseverance to complete the required community projects, and to fulfill the other stringent criteria for Eagle Scout status; and

WHEREAS, an exceptional young man, Christopher has developed leadership ability and earned the esteem of his community and his fellow scouts, and his scouting achievements reflect the highest ideals of American youth; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Christopher Phillip Stephens is congratulated on his attainment of the rank of Eagle Scout, and commended for his outstanding achievements in qualifying for this prestigious honor.

BE IT FURTHER RESOLVED, That he receive a copy of this resolution as an expression of our tribute and esteem.

On motion of Representative Carter, the resolution, H.J.R. 272, was adopted.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 143. To propose an amendment to the Constitution of Alabama of 1901, relating to Cleburne County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments; providing for expenditure and accounting of the funds; providing for the tax to self-destruct upon dissolution of the Cleburne County Volunteer Fire Department Association; granting immunity from certain liability to the county; and providing for a referendum election on this amendment.

Also:

H. 355. Relating to Etowah County; providing that a retiring officer of the sheriff's department receives as part of his or her retirement benefits, without cost, his or her badge and pistol; and providing for retroactive effect.

McDOWELL LEE  
Secretary

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 104. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1995 Regular Session of the Legislature as contained in the 1995 Cumulative Supplement to certain volumes of the Code and in the 1995 Replacement Volumes 11, 12A, 13, and 13A of the Code; to make corrections in certain volumes of the cumulative supplement; to specify that this adoption and incorporation constitutes a continuous systematic codification of the entire Code of Alabama 1975 and that this act is a law that adopts a code; to declare that the Code Publisher has certified it has discharged its duties regarding the replacement volumes; to expressly provide that this act does not affect any 1996 statute; and to specify the duties of the Secretary of State regarding the custody of these cumulative supplements and replacement volumes.

McDOWELL LEE  
Secretary

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 18. RECOGNIZING THE CELEBRATION AND ACTIVITIES OF NATIONAL TRIO DAY AT ALABAMA STATE UNIVERSITY.

Also:

S.J.R. 52. EXPRESSING SUPPORT FOR PRESERVATION OF BEEHIVE COKE OVENS IN WEST BLOCTON.

Also:

S.J.R. 53. COMMENDING RICK WASH ON HIS SELECTION TO PARTICIPATE IN THE 1996 SUMMER OLYMPIC GAMES.

Also:

S.J.R. 54. COMMENDING JUDGE SANDRA ROSS STORM.

Also:

S.J.R. 58. COMMENDING THOMAS G. WALKER, JR., AS RECIPIENT OF THE UNIVERSITY OF MONTEVALLO'S 1996 DISTINGUISHED ALUMNUS AWARD.

McDOWELL LEE  
Secretary

### SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 563. To amend Sections 22-8A-2, 22-8A-3, 22-8A-4, 22-8A-5, 22-8A-6, 22-8A-7, 22-8A-8, 22-8A-9, and 22-8A-10, Code of Alabama 1975, to: authorize competent adults to make written directions concerning the providing, withholding, or withdrawing of life-sustaining treatment and artificially provided nutrition and hydration in instances of terminal conditions and permanent unconsciousness, permit the designation of proxy decision-makers, and provide for the appointment of surrogate decision-makers in instances where the patient has not made such a designation.

TOMMY CARTER  
Chairman

And the bill, H. 563, as engrossed, was ordered sent to the Senate.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

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**H.J.R. 190. EXTENDING THE JOINT LEGISLATIVE COMMITTEE TO EVALUATE THE NEEDS OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES AND THEIR FAMILIES AND EXTENDING THE REPORTING DATE OF THE COMMITTEE.**

Also:

**H.J.R. 257. COMMENDING WBMG-TV AS RECIPIENT OF THE 1995 CBS EXCELLENCE IN COMMUNITY SERVICE AWARD.**

Also:

**H.J.R. 259. URGING THE PRESIDENT OF THE UNITED STATES TO DECLARE DALLAS, LEE, MONTGOMERY, AND TUSCALOOSA COUNTIES AS DISASTER AREAS AS A RESULT OF THE TORNADOES OF MARCH 6, 1996.**

**McDOWELL LEE**  
Secretary

**BILLS ON SECOND READING**

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 663. To amend Sections 16-8-42 and 16-11-27, Code of Alabama 1975, to require local boards of education to fully insure all school buildings and property, equipment, furniture and supplies.

H. 692. To amend Section 16-13-144, Code of Alabama 1975, relating to local board of education budgets and providing a prohibition and penalty for a deficit budget; to permit the State Superintendent of Education to waive the penalty for school systems making a substantial effort to remove the deficit.

H. 157. To make a supplemental appropriation from the Education Trust Fund in the State Treasury to the State Board of Education for the Sara Dinsmore ARC Training Facility in the amount of \$40,000 and for the Coffee County Board of Education for the support and maintenance of Project Independence in the amount of \$30,000 for the fiscal year ending September 30, 1996.

H. 556. To make a supplemental appropriation of \$3,450,000 to the Department of Youth Services from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1996.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills

and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 341. (With Substitute): To make an appropriation of \$47,408,615 from the Education Trust Fund and an appropriation of \$685,665 from Federal and Local Funds to the Department of Youth Services for the fiscal year ending September 30, 1997.

H. 302. (With Substitute): To make an appropriation of \$1,049,579 from the Education Trust Fund for the support and maintenance of the cerebral palsy education program for the year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

H. 313. (With Substitute): To make an appropriation of \$295,305 from the Education Trust Fund and \$52,500 from the State General Fund to the AIDS Task Force of Alabama, Incorporated, for the fiscal year ending September 30, 1997, for educational programs and services to help prevent the spread of AIDS and to require an operations plan and an audited financial statement.

H. 343. (With Substitute): To make an appropriation of \$100,000 from the Education Trust Fund to the Epilepsy Foundation of North and Central Alabama for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

H. 316. (With Substitute): To make an appropriation to the Department of Public Health from the Education Trust Fund in the amount of \$14,371,144 for the fiscal year ending September 30, 1997, and to make a conditional appropriation to the Department of Public Health in the amount of \$2,195,342 from the Education Trust Fund for the fiscal year ending September 30, 1997, for educational purposes.

H. 331. (With Substitute): To make an appropriation of \$307,615 from the Education Trust Fund to the Helen Keller Eye Research Foundation for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

H. 320. (With Substitute): To make an appropriation of \$582,793 from the Education Trust Fund to the Children's and Women's Hospital in Mobile, Alabama, for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 513. To make an appropriation of \$2,409,081 from the Education Trust Fund to the State Board of Education for the support and maintenance of special



programs for special education for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

H. 175. To make an appropriation to the Department of Public Health in the amount of \$4,664,831 from the Education Trust Fund for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1997.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 683. (With Substitute): To make an appropriation of \$366,000 from the Education Trust Fund for the support and maintenance of Southwest School for Deaf and Blind for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

H. 338. (With Substitute): To make an appropriation of \$850,000 from the Education Trust Fund to the Children's Hospital in Birmingham, Alabama, for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

H. 329. (With Substitute): To make an appropriation of \$25,262,924 from the Education Trust Fund, an appropriation of \$2,620,000 from the Driver Impaired Trust Fund, and an appropriation of \$88,958,186 from Federal and Local Funds to the Department of Rehabilitation Services for the fiscal year ending September 30, 1997.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 472. (With Substitute) (With Amendment): Relating to public education employees; to permit the unused accumulated sick leave days to be transferred to the estate of the deceased public education employee.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 327. (With Substitute): To make an appropriation of \$1,382,112 from the Education Trust Fund for the support and maintenance of the sickle cell education program for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

H. 324. (With Substitute): To make an appropriation of \$1,180,196 from the Education Trust Fund to the East Alabama Child Development Center for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

H. 185. (With Substitute): To provide a four percent (4%) cost-of-living adjustment for certain public education employees with the beginning of the 1996-97 fiscal year and to continue thereafter; to provide a three percent (3%) cost-of-living adjustment for certain public education employees with the beginning of the 1997-98 fiscal year and to continue thereafter; to require a revision of the state salary matrix for certificated personnel and to require adjustments on local salary schedules to reflect the cost-of-living adjustments provided herein for the fiscal years 1996-97 and 1997-98 and thereafter; to provide that certain salary schedules at two-year colleges shall be upgraded to reflect cost-of-living adjustments for fiscal years 1996-97 and 1997-98; and to establish miscellaneous pay provisions.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 300. (With Substitute) (With Amendments): To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1997.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 688. (With Substitute): To amend Section 16-1-6, Code of Alabama 1975, to limit dues and expenses paid by local boards of education to the Alabama Association of School Board Members.

Representative Laird, Chairperson of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

S. 67. (With Amendments): Relating to insurance; to require that certain persons employed as insurance agents, service representatives, or brokers of insurance by insurers take continuing education courses; to establish standards for continuing education programs; to provide certain exceptions; to provide for an advisory committee to the commissioner of insurance relative to continuing education programs and other insurance matters; to provide for compliance form filing fees and late filing fees to be paid by agents, service representatives, and brokers, education course provider filing and renewal fees, and an education

course or program approval filing fee, and that all of these fees be deposited in the State Treasury to the credit of a fund to be known as the "Insurance Agents and Brokers Continuing Education Fund," created by this act, from which the expenses of operating the Continuing Education Unit and regulatory purposes of the Agents' Licensing Division of the Department of Insurance shall be paid; to provide for appropriating those sums for expenses incurred by the unit; to provide for balances in the fund to carry forward the first fiscal year after the effective date of this act and thereafter to provide for a percentage of the unencumbered balances in the fund at the end of the fiscal year to revert to the State General Fund; and to specifically authorize the Commissioner of Insurance to conduct background investigations, to include criminal history inquiries, for all applicants for license as an insurance agent or a broker prior to the issuance of the license.

Representative Laird, Chairperson of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 713. (With Amendment): Relating to insurance; to provide for an effective and efficient system whereby the Commissioner of Insurance may contract with a qualified testing organization for the administration of the examinations of insurance agents and brokers; and to allow the examination fees, approved by the commissioner, for the services to be paid directly to the testing institution in lieu of the fees set forth in Section 27-4-2, Code of Alabama 1975, up to fifty dollars (\$50).

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 684. To further provide for gill net fishing and licensure for hardship cases; to create the Board of Gill Net Hardship Licenses; to provide for the powers and duties of the board; to authorize the board to issue and enforce rules and regulations pursuant to the Alabama Administrative Procedure Act to implement this act; and to provide that this act is cumulative.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 418. To propose an amendment to the Constitution of Alabama of 1901, ratifying and validating all ad valorem tax levies and payments made in Pickens County, and authorizing the county governing body to levy an ad valorem tax.

The above bill was read a second time at length as required by the Constitution.

H. 584. Relating to Pickens County; to provide for necessary repairs and maintenance to turnouts abutting public roads by the county commission.

H. 600. To authorize the Lamar County Commission to contract for the administration and enforcement by a designee of any tax or license levied in the county.

Representatives Petelos and Minnifield, Co-Chairpersons of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 487. Providing for the election of the board of education of the City of Fairfield; providing that the members of the board shall be elected from defined school districts; providing for the terms of office, qualifications, and compensation of the members; prescribing procedures for electing the members and for filling vacancies on the board; providing for board representation for persons not residing within a school district; providing for financial audits of the records of the board; and providing that this act shall become effective upon the ratification of an amendment to the Constitution of Alabama of 1901, authorizing an elected board of education for the City of Fairfield.

H. 69. To repeal Act No. 516 of the 1931 Regular Session, as formerly codified by Section 597 of Title 62 of the Code of Alabama 1940, and as amended by Act No. 443 of the 1947 Regular Session, and to provide for a retroactive effect.

H. 441. Relating to Jefferson County; to amend Act No. 929, S. 676 of the 1951 Regular Session (Acts 1951, p. 1579), as amended by Act No. 1272, H. 620 of the 1973 Regular Session (Acts 1973, p. 2124), relating to a pension system; to provide that employees of the Birmingham Emergency Management Communication District shall be included in the pension system.

H. 444. Relating to Jefferson County; amending Sections 1 and 2 of Act 89-702, H. 751 of the 1989 Regular Session (Acts 1989, p. 1397); to increase the number of county commission staff positions; and to provide that the additional positions are exempt from the merit system.

H. 457. Relating to Jefferson County; to amend Act No. 497, H. 1057, 1965 Regular Session, as amended; relating to a pension system for officers and employees of the County so as to provide for the termination of a factor of the benefit formula rate and to authorize the Pension Board to establish rules and regulations for such termination.

H. 283. Relating to Jefferson County; to authorize the Pension Board of the General Retirement System for Employees of Jefferson County to establish rules and regulations to allow former members of the Pension System who withdrew

from the Pension System under Section 13 of Act No. 497, of the Regular Session of the Legislature of Alabama of 1965, as amended, and who rejoined the System pursuant to Act No. 86-706, First Extraordinary Session of 1986, to become eligible to receive Factor No.3 of the Pension Benefit Formula for previous unpaid time, but excluding the period from the date of their withdrawal until January 3, 1987; to allow former members of the retirement system who withdrew from the System pursuant to Section 13 of said Act No. 497 and who did not rejoin the System pursuant to Act No. 86-706, a one-time opportunity to rejoin the System as new members with eligibility to receive Factor No. 3 of the Pension Benefit Formula but excluding the period from the date of their withdrawal until January 3, 1987; to prohibit certain new members who rejoined the System from converting any of the previous unpaid membership time to paid membership time for the Pension Benefit Formula; and to repeal Act No. 93-927 of the 1993 First Special Session of the Legislature.

### INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Ford (With Notice and Proof):

H. 722. Relating to Etowah County; providing further for the amount of sales and use tax levied on certain equipment and motor vehicles; and providing for a retroactive effect.

#### COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 722, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Hinshaw, Hall (A), Hall (L), Sanderford, Jorgensen, Papucci, and Haney (With Notice and Proof):

H. 723. Relating to Madison County; to require the Madison County Judicial Commission to publicize the list of judicial nominees; and to require the commission to vote publicly on the list of nominees for submission to the Governor.

#### COMMITTEE ON LOCAL LEGISLATION NO. 4

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 723, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Morrow:

H. 724. To license and regulate the check cashing services; to provide for definitions; to provide for administration by the State Banking Department; and to provide for exemptions, fines, and penalties.

COMMITTEE ON BANKING

By Representative Knight (A):

H. 725. To amend Sections 28-3-184 and 28-3-186 of the Code of Alabama 1975, relating to malt or brewed beverages; to remove the requirement that containers of these beverages have stamps, crowns, or lids affixed thereto; to repeal penalties and identification; and to specifically repeal Section 28-3-187 of the Code of Alabama 1975.

COMMITTEE ON COMMERCE,  
TRANSPORTATION AND UTILITIES

By Representatives Gaines, Morrison, Sanderson, Newton (C), Dean, McKee, Dolbare, Layson, Pringle, Collins, Gipson, Murphree, Moore, Jorgensen, Johnson (E), Willis, Rogers (M), Hooper, Wren, Townsend, Papucci, Sanderford, Clouse, Petelos, Laird, Allen, Flowers, Hamilton, Sims, Hawkins, and Morton:

H. 726. Providing employer immunity from civil liability in providing information on job performance or professional conduct or evaluation of a former employee to prospective employers; and to provide for a rebuttable presumption of good faith.

COMMITTEE ON BUSINESS AND LABOR

By Representative Mitchell:

H. 727. To amend Section 34-24-54 of the Code of Alabama 1975, relating to deposit and expenditure of funds received by the State Board of Medical Examiners; to establish a separate revenue trust fund in the State Treasury; to provide for deposits, withdrawals, and expenditures of funds; and to provide for an appropriation.

COMMITTEE ON WAYS AND MEANS

By Representative Mitchell:

H. 728. To amend Section 34-22-41 of the Code of Alabama 1975, relating to the deposit and expenditure of the funds of the Alabama Board of Optometry; to establish a separate revenue trust fund in the State Treasury; to provide for the deposit, withdrawal, and expenditure of the funds; and to provide for an appropriation.

COMMITTEE ON WAYS AND MEANS

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By Representative Mitchell:

H. 729. To amend Section 34-23-91 of the Code of Alabama 1975, relating to funds and disbursements of the Alabama State Board of Pharmacy; to establish a separate revenue trust fund for the board; to provide for deposits, withdrawals, and expenditures from the fund; and to provide for an appropriation.

**COMMITTEE ON WAYS AND MEANS**

By Representative Mitchell:

H. 730. To amend Section 33-4-6 of the Code of Alabama 1975, relating to the deposit and expenditure of the funds of the State Pilotage Commission; to establish a separate revenue trust fund; to provide for the deposit, withdrawal, and expenditures of funds; and to provide for an appropriation.

**COMMITTEE ON WAYS AND MEANS**

By Representatives Flowers, Pringle, Sims, Millican, Morrow, Hinshaw, Graham, Vance, McClammy, Johnson (E), Papucci, Turnham, Sanderson, White, Moore, Turner, Carothers, Jorgensen, Hooper, and McKee:

H. 731. Relating to health; to define home health services; to authorize the licensure and regulation of home health agencies by the State Board of Health; to provide for fees, and for penalties for violations; to provide for exclusions; to provide for definitions; and to provide for the appointment of the Home Health Licensure Advisory Committee.

**COMMITTEE ON HEALTH**

By Representative Johnson (R):

H. 732. Relating to Talladega County, to propose an amendment to the Constitution of Alabama of 1901, to establish the Talladega County Judicial Commission and provide for the filling of vacancies in the office of judge of the circuit court, judge of the district court, or district attorney.

**COMMITTEE ON LOCAL LEGISLATION NO. 1**

The above bill was read a first time at length as required by the Constitution.

By Representative Minnifield:

H. 733. To amend Section 16-13-144, Code of Alabama 1975, relating to local board of education budgets and providing a prohibition and penalty for a deficit budget; to delete the deficit spending penalty provision and to provide a balanced budget plan to eliminate the deficit for the next fiscal year.

**COMMITTEE ON WAYS AND MEANS**

By Representatives Thomas (D) and Galliher:

H. 734. To make a conditional appropriation from the State General Fund in the State Treasury to the International Training Site Committee of Pell City, for the fiscal year ending September 30, 1996, to provide housing and training for visiting Olympic teams.

COMMITTEE ON WAYS AND MEANS

By Representatives Penry and McMillan:

H. 735. To amend Sections 11-24-1, 11-24-2, and 11-24-3, Code of Alabama 1975, which relate to the regulation of subdivisions by counties; to require county commissions to approve or disapprove plats for proposed subdivisions; to provide that the county commissions may establish boards of developers; and to provide for civil enforcement of the regulations, including civil penalties for violations.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Drake (With Notice and Proof):

H. 736. Relating to the City of Arab in Cullman and Marshall Counties; terminating a certain sales tax on a certain date.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 736, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative McMillan:

H. 737. To repeal Section 40-2-24 of the Code of Alabama 1975, which requires Department of Revenue Division Chiefs to receive salaries of Attorney III supervisor.

COMMITTEE ON STATE ADMINISTRATION

By Representative McKee (With Notice and Proof):

H. 738. Relating to Montgomery County; providing further for the compensation of the elected official in the position of the revenue commissioner.

COMMITTEE ON LOCAL LEGISLATION NO. 5



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I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 738, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Moore:

H. 739. To make an appropriation of \$30,000 from the Education Trust Fund to the Coffee County Board of Education for the support and maintenance of Project Independence for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Gipson (With Notice and Proof):

H. 740. Relating to Autauga County; authorizing the sheriff to operate a jail store and contract telephone installation for inmates; providing for the deposit of monies earned; providing for the distribution and auditing of monies earned.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 740, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Graham:

H. 741. To clarify the duty and responsibility of the Department of Human Resources to establish rules and standards for the inspection and approval of adult day care centers and adult day care homes with whom the Department of Human Resources contracts or otherwise agrees to purchase adult day care services.

COMMITTEE ON STATE ADMINISTRATION

By Representative Lindsey:

H. 742. Providing for a member of the Employees' Retirement System to purchase credit in the system for certain prior service rendered to the United States Federal Reserve System by a certain date.

COMMITTEE ON WAYS AND MEANS

By Representatives Morrison, Drake, and Robinson:

H. 743. To make an appropriation in the amount of \$3,000,000 from the State General Fund in the State Treasury to the Agricultural and Conservation Development Commission for approved poultry dead bird and animal waste disposal for the fiscal year ending September 30, 1997.

COMMITTEE ON WAYS AND MEANS

By Representative Knight (A):

H. 744. To add Sections 22-27-8, 22-27-9, and 22-27-10 to Title 22, Chapter 27, Code of Alabama 1975, relating to solid waste disposal; to provide evidence of financial assurance relating to corrective actions on closure of a solid waste disposal facility; to establish a trust fund to pay the costs of investigation, required clean-up, and closure of unauthorized dumps by innocent responsible landowners; to authorize fees for disposal of solid waste within the state; and to provide for certain appropriations of fees collected for the fiscal years following September 30, 1997; and to provide for certain other appropriations to the Solid Waste Trust Fund, and the Departments of Environmental Management and Revenue.

COMMITTEE ON COMMERCE,  
TRANSPORTATION AND UTILITIES

By Representatives Hamilton, Carter, Drake, Johnson (E), Turner, Flowers, Ford, Galliher, Hooper, Laird, Millican, Dolbare, Warren, Clouse, Moore, Seibenhener, Carothers, Reed, McMillan, Parker (T), Layson, Collins, Newton (C), Starkey, Burke, Black (M), Dukes, Sanderford, Hawk, Allen, Hinshaw, Haney, Lindsey, Guin, Murphree, Morrison, Smith, Page, Morrow, Hall (A), Hall (L), Gipson, Rogers (M), Curry, Morton, Thomas (D), and Parker (P):

H. 745. To amend Act 95-559, S. 372, of the 1995 Regular Session, now appearing as Section 36-30-1 of the Code of Alabama 1975, to provide for compensation for the death of a member of a rescue squad.

COMMITTEE ON WAYS AND MEANS

RESOLUTIONS

The following resolutions were introduced:

By Representative Carothers:

H.R. 273. DECLARING THAT PRECLEARED JUDICIAL POSITIONS BE FILLED BY A VOTE OF THE PEOPLE.

The resolution, H.R. 273, was read and referred to the Standing Committee on Rules.

Also:

By Representative Carothers:

H.J.R. 274. DECLARING THAT PRECLEARED JUDICIAL POSITIONS BE FILLED BY A VOTE OF THE PEOPLE.

The resolution, H.J.R. 274, was read and referred to the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 190. EXTENDING THE JOINT LEGISLATIVE COMMITTEE TO EVALUATE THE NEEDS OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES AND THEIR FAMILIES AND EXTENDING THE REPORTING DATE OF THE COMMITTEE.

Also:

H.J.R. 257. COMMENDING WBMG-TV AS RECIPIENT OF THE 1995 CBS EXCELLENCE IN COMMUNITY SERVICE AWARD.

Also:

H.J.R. 259. URGING THE PRESIDENT OF THE UNITED STATES TO DECLARE DALLAS, LEE, MONTGOMERY, AND TUSCALOOSA COUNTIES AS DISASTER AREAS AS A RESULT OF THE TORNADOES OF MARCH 6, 1996.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

**SIGNING OF HOUSE JOINT RESOLUTIONS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been

dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

### **BILLS ON THIRD READING**

#### **BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER**

In accordance with House Rule 19, the Budget Isolation Resolution and the bill, H. 664, were temporarily carried over due to absence of the sponsor.

#### **BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER**

In accordance with House Rule 19, the Budget Isolation Resolution and the bill, H. 665, were temporarily carried over due to absence of the sponsor.

#### **BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER**

In accordance with House Rule 19, the Budget Isolation Resolution and the bill, H. 678, were temporarily carried over due to absence of the sponsor.

#### **BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER**

In accordance with House Rule 19, the Budget Isolation Resolution and the bill, H. 679, were temporarily carried over due to absence of the sponsor.

### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Parker (T), the Budget Isolation Resolution relating to the bill, H. 658, was adopted.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carter, Clouse, Collins, Curry, Dean, Drake, Flowers, Galliher, Gipson, Guin, Hawk, Hawkins, Hayden, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Jorgensen, Knight (J), Layson, Lindsey, Maull, McAdory, Melton, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Vance, Warren and Willis.

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And the bill:

H. 658. (With Amendment): To amend Sections 11-44B-6 to 11-44B-7, inclusive, Code of Alabama 1975, to provide further for the procedures of operation of mayor-council form of government adopted by Class 4 municipalities pursuant to Section 11-44B-1, et seq., Code of Alabama 1975.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 6, said committee amendment being as follows:

On page 3, line 23, after the word "general" insert the following language:  
nature

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 49; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Carter, Clouse, Collins, Curry, Dean, Dolbare, Flowers, Gaston, Guin, Hayden, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Jorgensen, Layson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Mitchell, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Vance, Willis and Wren.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 658. To amend Sections 11-44B-6 to 11-44B-7, inclusive, Code of Alabama 1975, to provide further for the procedures of operation of mayor-council form of government adopted by Class 4 municipalities pursuant to Section 11-44B-1, et seq., Code of Alabama 1975.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Carter, Clark (W), Clouse, Collins, Curry, Dean, Drake, Flowers, Gaines, Galliher, Gaston, Gipson, Guin, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Jorgensen, Knight (A), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Perdue, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Turner, Vance, Willis and Wren.

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### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bedford:

S. 245. To provide that students who are found to be in possession of illegal drugs, alcohol, or deadly weapons on a school campus would be expelled for one school year; to provide that the students would not be eligible to attend any public schools in this state; to provide that expelled students may be allowed to attend alternative schools; and to provide for notification of the expulsion to parents of the students.

McDOWELL LEE  
Secretary

### SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 245.                Judiciary.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Butler and Freeman:

S. 504. To propose an amendment to the Constitution of Alabama of 1901, authorizing, ratifying, validating, and confirming, from the date of the initial levy thereof, the levy and collection of all sales and use taxes levied pursuant to Act No. 82-525 in School District One in Madison County for public school purposes for which there has been a majority vote of the qualified electors of School District One in Madison County prior to January 1, 1996, regardless of any statutory or constitutional mistakes, defects, errors, or ambiguities in the authorization or levy thereof or its election thereon, unless being challenged by appropriate judicial proceedings on the date of adoption of this act.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read a first time at length as required by the Constitution and referred to the Standing Committee as follows:

S. 504. Local Legislation No. 4.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Hale:

S. 303. To amend Section 22-28-22, Code of Alabama 1975, relating to the Alabama Air Pollution Control Act, to prescribe fines for certain violations of the act.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 303. Commerce, Transportation and Utilities.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Denton:

S. 391. To amend Section 40-6A-2, Code of Alabama 1975, which is related to the compensation of tax assessors, tax collectors, revenue commissioners, license commissioners, or other persons charged with assessing and collecting ad valorem taxes in the various counties of this state, so as to increase the minimum salaries provided in the section by \$5,000 in each population bracket; to provide for two additional \$5,000 increases in compensation effective October 1, 1998 and October 1, 1999 respectively; and to provide an effective date at the beginning of the official's next term of office; to amend Sections 40-4-5, 40-5-6, 40-5-14, 40-5-17, 40-7-19, 40-7-32, 40-10-27, and 40-10-29, Code of Alabama 1975, relating to the fees allowed the tax assessors, tax collectors, revenue commissioners, license commissioners, or other ad valorem tax officials, and probate judges of the various counties of this state for performing certain functions and duties of their offices; specifically, Section 40-4-5 relating to the fee allowed for making demand on a taxpayer for his or her list of property to be returned; Section 40-5-6 relating to fees allowed for making actual demand on delinquent taxpayers; Section 40-5-14 relating to the levy and sale of personal property of delinquent taxpayers; Section 40-5-17 relating to securing a writ against delinquent taxpayers who have left the county; Section 40-7-19 relating to making demand upon taxpayers who have failed to make return of taxable property; Section 40-7-32 relating to making returns of property which has escaped taxation; Section 40-10-27 relating to notice to a delinquent property owner to show cause why a decree of sale should not be rendered; and Section 40-10-29 relating to the fee allowed the judge of probate for issuing a tax deed, so as to increase the fees allowed in the sections to \$10.

McDOWELL LEE  
Secretary



**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 391. Local Government.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Sanders:

S. 557. To amend Section 11-3-4.1 of the Code of Alabama 1975, relating to the compensation of the members and chair of the several county commissions, to further provide for the minimum compensation and to provide for an increase in compensation for certain county commission chairs who serve full-time.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 557. Local Government.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Poole:

S. 507. To amend Section 32-5-211, Code of Alabama 1975, relating to attaching a flag or light at the end of loads carried on vehicles, to authorize that an orange flag or an amber strobe light be attached to the end of a load which extends more than four feet beyond the rear of a vehicle.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 507. Highway Safety.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Butler, Dixon, Armistead, Windom, Bailey, Roberts, Escott-Russell, Smitherman, Adams, Davidson, Dial, McClain, Little, Mitchell, Waggoner, and Steele:

S. 137. To amend Section 13A-5-6 of the Code of Alabama 1975, relating to sentences of imprisonment for felonies; to provide that a defendant, who is convicted of a Class A felony in which a deadly weapon or dangerous instrument was used and the victim of the crime suffered serious physical injury, shall be required to serve the full term of his or her sentence.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 137. Judiciary.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Mitchell:

S. 130. To amend Section 12-15-34.1 of the Code of Alabama 1975, relating to criminal acts for which a minor who has attained the age of 16 may be

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charged, arrested, and tried as adult, and Section 15-19-1 of the Code of Alabama 1975, relating to youthful offenders; to provide that a child or a person age 14 or over, who is charged with a crime which involved the use of a deadly weapon or a drug trafficking offense shall be tried as an adult and not included as eligible for treatment as a youthful offender.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 130.                    Judiciary.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Smitherman, McClain, Steele, and Escott-Russell:

S. 147. To allow the criminal court to sentence persons over the age of 13 and under the age of 16 as both a juvenile and an adult; to provide the procedure for the sentencing and review of the sentence.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 147.                    Judiciary.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Adams, Amari, Smith, and Armistead:

S. 264. Relating to juvenile law enforcement; to amend Code of Alabama 1975: Section 12-15-100, to provide that juvenile court records may be copied by persons authorized to inspect them, by the principal of the school in which a child is enrolled, or a representative of the principal; Section 12-15-101, to provide that juvenile law enforcement records may be inspected by the principal of the school in which a child is enrolled, a representative of the principal, and the victim, or a representative of the victim, and to require the reporting of a child who has been adjudicated a serious juvenile offender or delinquent for conduct constituting a Class A or B felony if committed by an adult to the Alabama Criminal Justice Information Center; Section 12-15-102 to provide that law enforcement agencies, without prior permission, may obtain fingerprints, photographs, or DNA samples from a child alleged to be delinquent; Section 41-9-622, to provide that information concerning serious juvenile offenders may be used as information concerning adults is used; and Section 41-9-623, to provide that information concerning serious juvenile offenders must be provided to the Alabama Criminal Justice Information Center by law enforcement agencies.

McDOWELL LEE  
Secretary

### SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 264.                   Judiciary.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Bedford:

S. 267. To provide that the court may award joint custody to both parents if it is in the best interest of the child; to provide definitions; to provide considerations for the court in making a determination; to enumerate factors for consideration; to authorize the court to order the parents to submit a plan for consideration by the court; to provide access by both parents to certain records concerning the child; and to provide a prospective effective date.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 267.                      Judiciary.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Bailey:

S. 463. To amend Sections 12-15-34 and 12-15-34.1 of the Code of Alabama 1975, relating to the transfer of cases from juvenile court to criminal court; to provide that a child whose juvenile case is transferred to criminal court shall be tried as an adult for all lesser included offenses of the offense charged.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 463.                      Judiciary.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Ghee:

S. 183. To amend Section 13A-11-72, Code of Alabama 1975, relating to the unlawful possession or ownership of a firearm, to increase certain felony possession on school premises from a Class C to a Class B felony.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 183.                Judiciary.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Biddle, Waggoner, and Smith:

S. 119. Relating to juvenile delinquency; to amend Code of Alabama 1975: Section 12-15-53, to provide that a child alleged to be delinquent for possessing a pistol, short-barreled rifle, or short-barreled shotgun shall be detained in custody until the required hearing; Section 12-15-61, to provide that, subject to conditions, a child alleged or adjudicated to be delinquent may be held in a jail for up to 60 days; and Section 12-15-71, to provide that, upon a child being adjudicated delinquent for possessing a pistol, short-barreled rifle, or short-barreled shotgun, the weapon is forfeited and the court shall order that it be destroyed.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 119.                Judiciary.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Denton:

S. 388. To amend Sections 23-6-2 and 23-6-8 of the Code of Alabama

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1975, to provide for the Alabama Industrial Access Road and Bridge Corporation to use an annual appropriation from the State Public Road and Bridge Fund to assure the availability of funds for the cost of constructing certain industrial access roads and bridges; to provide that no further bonds of the corporation shall be issued after the series 1995 bonds dated August 1, 1995; to provide an annual appropriation of \$11,000,000 from the State Public Road and Bridge Fund of the State Department of Transportation to be used for industrial access roads and bridges projects; and to provide for the effective date of this act.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 388.                   State Administration.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Little:

S. 226. To amend Section 12-15-34 of the Code of Alabama 1975, relating to the transfer of cases from juvenile court to criminal court, to provide that a child charged with certain serious offenses whose juvenile case is transferred to criminal court shall not be granted youthful offender status.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 226.                   Judiciary.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Freeman:

S. 308. To amend Sections 36-1-7 and 36-29-22, Code of Alabama 1975, to provide for the appointment of a state employee to the Employee Suggestion Award Board and the Flexible Employees Benefit Board in lieu of the executive director of the Alabama State Employees Association.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 308. Ways and Means.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Langford, Adams, Hill, Denton, Amari, Windom, Steele, McClain, Smitherman, Little, Freeman, and Clay:

S. 244. To amend Sections 13A-9-70, 13A-9-71, 13A-9-72, and 13A-9-76, Code of Alabama 1975, relating to charitable fraud, to provide further for definitions; to provide for the registration of charitable organizations with the Attorney General and to require a registration fee and bond for certain organizations and persons; to provide for the filing by charitable organizations of an annual written financial report and the filing of all contracts between charitable organizations and professional fund raisers or commercial co-venturers; to designate the Secretary of State as agent for service of process for nonresident charitable organizations and professional fund raisers; to alter the criminal penalties for charitable fraud; to eliminate certain absolute defenses to criminal prosecution; and to clarify the civil remedies available to the Attorney General, the district attorneys, or an affected charitable organization through injunction, mandamus, or other appropriate civil remedy.

McDOWELL LEE  
Secretary



**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 244.                      Judiciary.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 143. To propose an amendment to the Constitution of Alabama of 1901, relating to Cleburne County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments; providing for expenditure and accounting of the funds; providing for the tax to self-destruct upon dissolution of the Cleburne County Volunteer Fire Department Association; granting immunity from certain liability to the county; and providing for a referendum election on this amendment.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

**SIGNING OF HOUSE BILL**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 104. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1995 Regular Session of the Legislature as contained in the 1995 Cumulative Supplement to certain volumes of the Code and in the 1995 Replacement Volumes 11, 12A, 13, and 13A of the Code; to make corrections in certain volumes of the cumulative supplement; to specify that this adoption and incorporation constitutes a continuous systematic codification of the entire Code of Alabama 1975 and that this act is a law that adopts a code; to declare that the Code Publisher has certified it has discharged its duties regarding the replacement volumes; to expressly provide that this act does not affect any 1996 statute; and to specify the duties of the Secretary of State regarding the custody of these cumulative supplements and replacement volumes.

Also:

H. 355. Relating to Etowah County; providing that a retiring officer of the sheriff's department receives as part of his or her retirement benefits, without cost, his or her badge and pistol; and providing for retroactive effect.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

### **SIGNING OF HOUSE BILLS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

### **RESOLUTIONS**

The following resolution was introduced:

By Rules Committee:

H.R. 275. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the twelfth legislative day, Tuesday, March 19, 1996, taking precedence over the regular order of business or any pending or unfinished business:

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And the Following Bills:

Inst Id	Page
H. 545 - By McDaniel	65
Transportation Dept., insurance for on-job injuries, alt., Secs. 36-29A-2, 36-29A-7 am'd.	
S. 38 - By Amari	88
Product demonstrators, deemed independent contractors for unemployment compensation purposes, Sec. 25-4-10, 25-5-50, am'd.	
H. 347 - By Rogers (J) (As Amended)	46
Alcoholic beverages, cider, sale of, reg., taxed, Secs. 28-3-1, 28-7-16 am'd.	

Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the following bills:

Inst Id	Page
H. 460 - By Robinson	59
Worthless checks and negotiable instruments, service charge incr., Secs. 8-8-15, 12-17-224, 13A-9-13.1, 13A-9-13.2 am'd.	
H. 576 - By Newton (C) (As Amended)	84
Real Estate Comm., numerous provisions re licensing, continuing ed., exemptions for licensees 65 years old or older and inactive status, Secs. 34-27-6, 34-27-32, 34-27-34, 34-27-35, 34-27-35.1 am'd.	
H. 50 - By Starkey (As Amended)	74
Teachers' Retirement System, cert. membs. auth. to purchase credit for service in Peace Corps under cert. conditions	

H. 550 - By Gipson	85
Veterinary Medical Examiners, Bd. alt., duties, executive director. comp. incr., Secs. 34-29-63, 34-29-64, 34-29-65, 34-29-66, 34-29-68, 34-29-69, 34-29-70, 34-29-83 am'd.	
H. 281 - By Turner	92
Hunting licenses, nonresidents who pay ad valorem tax under cert. conditions, purchase of license as a resident, Sec. 9-11-49.2 repealed	
H. 630 - By Turner	93
Fishing licenses, lifetime resident saltwater fishing license provided, combination license with freshwater, fee, deposit in Marine Resources Endowment Fund, invest, use	
H. 572 - By Hall (A)	77
Motor vehicles, Children's Trust fund, distinctive license tag, fees, distrib., duties to Revenue Dept.	
H. 197 - By Johnson (R)	45
Drivers License Medical Advisory Bd., minimum number of doctors on bd., reports denying driver's licenses may be obtained by the subject of the report, Secs. 32-6-41, 32-6-43 am'd.	
H. 510 - By Galliher	108
Handicapped parking, fine incr. to include cert. businesses, sign to contain amount of fine, Sec. 32-6-233.1 am'd.	
On motion of Representative Carter, the resolution, H.R. 275, was adopted.	

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Hammett:

H.R. 276. COMMENDING COACH RICHARD ROBERTSON ON HIS OUTSTANDING ATHLETIC ACHIEVEMENTS, AND DESIGNATING RICHARD ROBERTSON DAY ON APRIL 14, 1996.

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Also:

By Representative Hammett:

H.R. 277. COMMENDING THE ANDALUSIA HIGH SCHOOL BULLDOGS ON THEIR BOYS BASKETBALL CLASS 5A CHAMPIONSHIP.

Also:

By Representative Reed:

H.R. 278. COMMENDING THE SOUTHWEST LEE COUNTY FIRE PROTECTION AUTHORITY FOR OUTSTANDING SERVICE TO THE LEE COUNTY COMMUNITY.

Also:

By Representative Layson:

H.R. 279. CONGRATULATING MR. AND MRS. THOMAS PATE OF ALICEVILLE, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

The following resolutions were introduced:

By Representatives Thomas (D) and Galliher:

H.J.R. 280. NAMING THE "EDDIE MARTIN PARKWAY" IN ST. CLAIR COUNTY, ALABAMA.

The resolution, H.J.R. 280, was read and referred to the Standing Committee on Rules.

Also:

By Representative Guin:

H.J.R. 281. THE DEATH OF LONNIE RAY KEETON.

The resolution, H.J.R. 281, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Kennedy, Buskey, Clark (W), Box, Gaston, Dean, Mitchell, Pringle, Turner and Crigler:

H.J.R. 282. COMMENDING MARY S. ZOGHBY AS THE 1995 MOBILIAN OF THE YEAR.

The resolution, H.J.R. 282, was read and referred to the Standing Committee on Rules.

Also:

By Representative Millican:

H.J.R. 283. DESIGNATING LOONEY'S TAVERN PARKWAY AS A SCENIC ROUTE.

The resolution, H.J.R. 283, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Haney and Morrow:

H.J.R. 284. COMMENDING PRISCILLA BYNUM SEELEY FOR HER OUTSTANDING CAREER ACCOMPLISHMENTS.

The resolution, H.J.R. 284, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Poole:

S.J.R. 65. URGING SCHOOL OFFICIALS TO CONDUCT STUDENT LOCKER SEARCHES AND USE DRUG DOGS, METAL DETECTORS, AND UNIFORMED POLICE OFFICERS IN SCHOOLS WHEN THE LOCAL BOARD OF EDUCATION DETERMINES SUCH ACTION TO BE NECESSARY, JUSTIFIED, AND APPROPRIATE.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The resolution, S.J.R. 65, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Armistead:

S.J.R. 64. COMMEMORATING THE LIFE OF JAMES BOYD MEADOWS, JR., OF ALABASTER, ALABAMA.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The resolution, S.J.R. 64, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Mitchell:

S.J.R. 67. COMMENDING THE PRATTVILLE HIGH SCHOOL LADY LIONS ON AN OUTSTANDING 1995-96 BASKETBALL SEASON.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The resolution, S.J.R. 67, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Smitherman, McClain, Escott-Russell, and Bedford:

S.J.R. 63. COMMENDING WEST END HIGH SCHOOL ON ITS OUTSTANDING ACCOMPLISHMENTS, AND 1995-1996 6A BASKETBALL CHAMPIONSHIP.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The resolution, S.J.R. 63, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**SPECIAL ORDER CALENDAR**

The House then proceeded with the consideration of the Special Order Calendar.

And the bill:

H. 545. To amend Sections 36-29A-2 and 36-29A-7 of the Code of Alabama 1975, to provide that the State Employees' Insurance Board shall pay medical costs for Department of Transportation employees injured on the job; to exempt the Alabama Department of Transportation from a certain program under the Division of Risk Management of the Department of Finance; and to provide that the Department of Transportation shall cover its employees for on-the-job death or injury under a certain self-insurance program of the department.

and the pending substitute offered by Representative McDaniel on the eleventh legislative day were taken up.



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**SUBSTITUTE ADOPTED**

The question was then on the adoption of the substitute offered by Representative McDaniel to the bill, H. 545, and the substitute was adopted.

Yeas 73; Nays 2.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Carothers, Clouse, Collins, Curry, Dean, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Warren and Willis.

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Nay:

Representatives Hall (L) and Knight (J).

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And the bill:

H. 545. To amend Section 36-29A-7 of the Code of Alabama 1975, to exempt the Alabama Departments of Transportation and Public Safety from a certain program under the Division of Risk Management of the Department of Finance, and to provide that the Departments of Transportation and Public Safety shall cover their employees for on-the-job death or injury under certain self-insurance programs of the departments.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 74; Nays 13.

Yea:

Mr. Speaker, Allen, Box, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McMillan, Millican, Minnifield, Moore, Morrow, Morton, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (M), Sanderford,

Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Warren, Willis and Wren.

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Nay:

Representatives Black (M), Buskey, Dolbare, Flowers, Guin, Hall (L), Holmes, Johnson (R), Kennedy, Knight (J), Morrison, Murphree and White.

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### BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Box, the Budget Isolation Resolution relating to the bill, S. 38, was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrow, Murphree, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable and Willis.

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And the bill:

S. 38. To amend Sections 25-4-10 and 25-5-50, Code of Alabama 1975, relating to exclusions from the definition of employment for state unemployment compensation and workers compensation purposes, respectively; to clarify and confirm the Legislature's intent that certain product demonstrators shall be considered self-employed independent contractors for purposes of determining eligibility for state unemployment and workers compensation, and not as employees; and to provide for a retroactive effective date.

was read a third time at length and passed.

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Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Warren, White and Willis.

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**BUDGET ISOLATION RESOLUTION LOST**

The motion offered by Representative Rogers (J) to adopt the Budget Isolation Resolution relating to the bill, H. 347, was lost, lacking a three-fifths vote.

Yeas 48; Nays 37.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Clark (W), Curry, Dean, Dukes, Gaines, Gipson, Graham, Hall (A), Hall (L), Hammett, Haney, Hawk, Hayden, Hilliard, Hinshaw, Holmes, Hooper, Houston, Johnson (E), Kennedy, Knight (A), Knight (J), Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Morrow, Newton (C), Newton (D), Papucci, Petelos, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Spratt, Thomas (J) and Turner.

-48

Nay:

Representatives Carns, Carothers, Clouse, Collins, Crigler, Dolbare, Drake, Flowers, Ford, Galliher, Gaston, Guin, Hamilton, Hawkins, Hill, Johnson (R), Laird, Layson, Lindsey, Millican, Moore, Morton, Murphree, Page, Payne, Penry, Pringle, Rogers (M), Sims, Smith, Starkey, Townsend, Venable, Warren, White, Willis and Wren.

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**BUDGET ISOLATION RESOLUTION OFFERED**

Representative Robinson offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 460.

**TIME TO DEBATE EXPIRED**

In accordance with the resolution, H.R. 275, the time to debate the bill, H. 460, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Newton (C), the Budget Isolation Resolution relating to the bill, H. 576, was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

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And the bill:

H. 576. (With Amendment): To amend Sections 34-27-6, 34-27-32, 34-27-34, 34-27-35, and 34-27-35.1, Code of Alabama 1975, relating to the Alabama Real Estate Commission, to provide further for the authority of the commission regarding real estate courses; to provide further for reciprocal licensing and proof of minimum instructional hours for licensure as a real estate broker or salesperson and to delete unconstitutional language that requires an applicant for a company or broker license to maintain a place of business within the state; to provide a \$25 fee for certain license changes; to provide inactive status for certain licensees, to provide a hardship postponement, to provide further for continuing education, and to remove the exempt status of licensees age 65 and older.

was taken up.

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The question was then on the adoption of the amendment reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend House Bill 576 on page 19, after line 2 by adding the following language: Any licensee upon reaching the age of 65 and having been licensed 10 years prior to that date shall be exempt from this section.

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, White, Willis and Wren.

-90

And the bill:

H. 576. To amend Sections 34-27-6, 34-27-32, 34-27-34, 34-27-35, and 34-27-35.1, Code of Alabama 1975, relating to the Alabama Real Estate Commission, to provide further for the authority of the commission regarding real estate courses; to provide further for reciprocal licensing and proof of minimum instructional hours for licensure as a real estate broker or salesperson and to delete unconstitutional language that requires an applicant for a company or broker license to maintain a place of business within the state; to provide a \$25 fee for certain license changes; to provide inactive status for certain licensees, to provide a hardship postponement, to provide further for continuing education, and to remove the exempt status of licensees age 65 and older.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

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#### CO-SPONSOR ADDED

Representative Smith was added as co-sponsor to the bill, H. 576, as amended.

#### BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Starkey, the Budget Isolation Resolution relating to the bill, H. 50, was adopted.

Yeas 71; Nays 9.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniel, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

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Nay:

Representatives Carns, Dolbare, Gaines, Knight (A), Laird, McKee, Payne, Penry and Seibenhener.

- 9

And the bill:

H. 50. (With Amendment): To allow certain active and contributing members of the Teachers' Retirement System to purchase up to a certain amount of service credit in the retirement system for service rendered to the United States Peace Corps subject to certain conditions.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

On page 2, line 16, delete the word "the" and insert in lieu thereof the words: his or her

On page 2, line 17, delete the words "of the member" and insert in lieu thereof: for each year of service credit purchased

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 77; Nays 7.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (R), Jorgensen, Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniel, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

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Nay:

Representatives Carns, Dolbare, Gaines, Knight (A), Laird, McKee and Minnifield.

- 7

And the bill:

H. 50. To allow certain active and contributing members of the Teachers' Retirement System to purchase up to a certain amount of service credit in the retirement system for service rendered to the United States Peace Corps subject to certain conditions.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 74; Nays 12.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniel, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Venable and Willis.

-74

Nay:

Representatives Carns, Dolbare, Gaines, Knight (A), Laird, McKee, Parker (P), Payne, Penry, Sanderson, Seibenhener and Townsend.

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### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Gipson, the Budget Isolation Resolution relating to the bill, H. 550, was adopted.

Yeas 90; Nays 0.



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Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-90

And the bill:

H. 550. To amend Sections 34-29-63, 34-29-64, 34-29-65, 34-29-66, 34-29-68, 34-29-69, 34-29-70, and 34-29-83, Code of Alabama 1975; to provide for the membership, qualifications, and duties of the Alabama State Board of Veterinary Medical Examiners; to change the name of the executive secretary to executive director; to increase the compensation of the executive director; and provide for an appeal process.

was taken up.

**AMENDMENT OFFERED**

Representative Laird offered the following amendment to the bill, H. 550:

Amend H. 550 on page 7 Line 12 by adding the following: "Anyone applying for any license shall not be required to have X ray equipment, but shall have them available through associate Vets in the same city."

"Rules adopted by the board shall not be more restricted than those required for medical clinics."

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

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#### AMENDMENT OFFERED

Representative Newton (D) offered the following amendment to the bill, H. 550, as amended:

To amend H. 550 on page 3 line 15 by adding after the period the following: "of the three new members, one shall be black and at least one shall be female."

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 63; Nays 8.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Carns, Clark (W), Clouse, Collins, Dolbare, Drake, Dukes, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McMillan, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Penry, Reed, Robinson, Rogers (J), Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Turner, Venable and Willis.

-63

Nay:

Representatives Flowers, Haney, Layson, McDaniel, McKee, Sanderford, Sanderson and Townsend.

- 8

And the bill:

H. 550. To amend Sections 34-29-63, 34-29-64, 34-29-65, 34-29-66, 34-29-68, 34-29-69, 34-29-70, and 34-29-83, Code of Alabama 1975; to provide for the membership, qualifications, and duties of the Alabama State Board of Veterinary Medical Examiners; to change the name of the executive secretary to executive director; to increase the compensation of the executive director; and provide for an appeal process.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

-91

#### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, H. 281, was adopted.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Carothers, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

-73

And the bill:

H. 281. To repeal Section 9-11-49.2, Code of Alabama 1975, relating to the treatment of certain nonresidents paying a certain amount of ad valorem property taxes as Alabama residents for the purpose of purchasing certain hunting licenses.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Dean, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren and Willis.

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Nay:

Representative Pringle.

- 1

#### **REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 658. To amend Sections 11-44B-6 to 11-44B-7, inclusive, Code of Alabama 1975, to provide further for the procedures of operation of mayor-council form of government adopted by Class 4 municipalities pursuant to Section 11-44B-1, et seq., Code of Alabama 1975.

**TOMMY CARTER**  
Chairman

And the bill, H. 658, as engrossed, was ordered sent to the Senate.

**SPECIAL ORDER CALENDAR RESUMED**

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, H. 630, was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Venable, Warren, White and Willis.

-87

And the bill:

H. 630. To provide for a lifetime resident saltwater fishing license and for its issuance; and to provide for the establishment of the Alabama Marine Resources Endowment Fund within the Marine Resources Fund and for the deposit of fees from the license provided by this act into the endowment fund.

was taken up.

**AMENDMENT OFFERED**

Representative Turner offered the following amendment to the bill, H. 630:

Amend House Bill 630 on Page 1, by deleting Lines 16 through 20 in their entirety and inserting in lieu thereof the following: "This bill would also establish a Marine Resources Endowment Fund, would provide for the deposit of fee from the license into the fund, and would provide for the administration and use of the fund."

Further amend House Bill 630 on Page 2, Line 4 by deleting the phrase "within the Marine Resources Fund".

Further amend House Bill 630 on Page 3, Line 10 by deleting the word "Marine".

Further amend House Bill 630, on Page 3, Line 11, by deleting the words "Resources Fund, a special account" and inserting in lieu thereof the words "state treasury a fund".

### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Vance, Venable, Willis and Wren.

-88

And the bill:

H. 630. To provide for a lifetime resident saltwater fishing license and for its issuance; and to provide for the establishment of the Alabama Marine Resources Endowment Fund and for the deposit of fees from the license provided by this act into the endowment fund.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 91; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen,

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Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-91

Nay:

Representative Hawkins.

- 1

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Hall (A), the Budget Isolation Resolution relating to the bill, H. 572, was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 572. To provide distinctive motor vehicle license tags or plates for supporters of the Children's Trust Fund; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

was taken up.

**AMENDMENT OFFERED**

Representative McMillan offered the following amendment to the bill, H. 572:

On page 4, commencing on line 24, delete Section 5 in its entirety and in lieu thereof insert the following:

Section 5. This act shall become effective when the Department of Revenue implements new procedures for the issuance of license plates and tags.

**AMENDMENT TABLED**

On motion of Representative Hall (A), the amendment offered by Representative McMillan to the bill, H. 572, was tabled.

Yeas 55; Nays 3.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Dean, Dolbare, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hawkins, Hilliard, Hinshaw, Hogan, Johnson (E), Johnson (R), Jorgensen, Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, Millican, Moore, Morrison, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Petelos, Pringle, Robinson, Rogers (J), Smith, Spratt, Thomas (D), Townsend, Vance, Warren and Willis.

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Nay:

Representatives McMillan, Penry and Venable.

- 3

And the bill, H. 572, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey,



Maull, McAdory, McDaniel, McKee, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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### **CO-SPONSORS ADDED**

The following were added as co-sponsors to the bill, H. 572:

Representatives Allen, Baker, Burke, Carns, Clark (J), Clark (W), Crigler, Dolbare, Drake, Flowers, Gaston, Haney, Hawkins, Hill, Holmes, Johnson (E), Knight (A), Laird, McAdory, McDaniel, Millican, Morrow, Newton (D), Papucci, Parker (T), Payne, Rogers (J), Smith, Spratt, Starkey, Townsend, Venable, Willis and Wren.

### **REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 50. To allow certain active and contributing members of the Teachers' Retirement System to purchase up to a certain amount of service credit in the retirement system for service rendered to the United States Peace Corps subject to certain conditions.

TOMMY CARTER  
Chairman

And the bill, H. 50, as engrossed, was ordered sent to the Senate.

### **REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 545. To amend Section 36-29A-7 of the Code of Alabama 1975, to exempt the Alabama Departments of Transportation and Public Safety from a certain program under the Division of Risk Management of the Department of Finance, and to provide that the Departments of Transportation and Public Safety shall cover their employees for on-the-job death or injury under certain self-insurance programs of the departments.

TOMMY CARTER  
Chairman

And the bill, H. 545, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 576. To amend Sections 34-27-6, 34-27-32, 34-27-34, 34-27-35, and 34-27-35.1, Code of Alabama 1975, relating to the Alabama Real Estate Commission, to provide further for the authority of the commission regarding real estate courses; to provide further for reciprocal licensing and proof of minimum instructional hours for licensure as a real estate broker or salesperson and to delete unconstitutional language that requires an applicant for a company or broker license to maintain a place of business within the state; to provide a \$25 fee for certain license changes; to provide inactive status for certain licensees, to provide a hardship postponement, to provide further for continuing education, and to remove the exempt status of licensees age 65 and older.

TOMMY CARTER  
Chairman

And the bill, H. 576, as engrossed, was ordered sent to the Senate.

**SPECIAL ORDER CALENDAR RESUMED**

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, H. 197, was adopted.

Yeas 75; Nays 0.

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Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hogan, Holmes, Houston, Johnson (E), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maul, McAdory, McClammy, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 197. To amend Section 32-6-41 and Section 32-6-43, Code of Alabama 1975, to increase the number of doctors serving on the Department of Public Safety Medical Advisory Board; and to clarify that persons affected by licensing decisions of the Alabama Department of Public Safety may obtain copies of reports or records used by the department in making licensing decisions.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maul, McAdory, McDaniel, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable, Warren, White and Willis.

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**BUDGET ISOLATION RESOLUTION OFFERED**

Representative Galliher offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 510.

**TIME TO DEBATE EXPIRED**

In accordance with the resolution, H.R. 275, the time to debate the bill, H. 510, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

**CERTIFICATE OF CLERK**

To the House of Representatives:

I hereby certify that the House Bills mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 3:45 P.M. on March 19, 1996.

H. 188

H. 81

H. 189

H. 345

Delivered to the Secretary of State at 4:00 P.M. on March 19, 1996.

H. 32 (Constitution Amendment)

H. 230 (Constitution Amendment)

H. 275 (Constitution Amendment)

H. 361 (Constitution Amendment)

H. 369 (Constitution Amendment)

H. 445 (Constitution Amendment)

GREG PAPPAS  
Clerk

**ELECTION OF MEMBER TO EXAMINERS OF PUBLIC ACCOUNTS**

The House elected Representative Robinson as a member of the Examiners of Public Accounts.

**ADJOURNMENT**

On motion of Representative Ford, the House adjourned until 10:00 o'clock a.m., Wednesday, March 20, 1996.

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13th Day**

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**THIRTEENTH DAY**

**House of Representatives  
Montgomery, Alabama  
Wednesday, March 20, 1996**

The House met pursuant to adjournment.

**PRAYER**

The session was opened with prayer by Reverend Roger Parks, Heritage Baptist Church, Prattville, Alabama.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Cadets Charles V. Speziale, Montgomery, Robert E. Simmons, III, Birmingham, Brian E. Green, Tuscaloosa, Joshua C. Gholston, Luverne and Benjamin D. Hoffman, Montgomery from Lyman Ward Military Academy.

**ROLL CALL**

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Cams, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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A quorum was present.

**REPORT OF STANDING COMMITTEE ON RULES**

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twelfth legislative day and finds the same to be correct.

TOMMY CARTER  
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the twelfth legislative day was dispensed with.

**LEAVE OF ABSENCE**

At the request of Representative Clark (J), leave of absence was granted for Representative Jackson.

**RESOLUTION**

The following resolution was introduced:

By Rules Committee:

H.R. 285. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the thirteenth legislative day, Wednesday, March 20, 1996, taking precedence over the regular order of business or any pending or unfinished business and continuing on subsequent legislative days until such time as said bills are disposed of:

And the Following bills:

Inst Id	Page
H. 692 - By Fuller	105
Education, local bd. of, deficit budget penalty waived by st. supt. of ed. upon substantial effort of school system to remove deficit, Sec. 16-13-144	
H. 663 - By Fuller	104
Education, local bds. of, req. to fully insure all school buildings and property, Secs. 16-8-42, 16-11-27 am'd.	

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H. 300 - By Fuller (As Amended and Substituted) 115

Education budget, appropriation for support, maintenance,  
and development of public education

H. 185 - By Fuller (As Substituted) 114

Teachers, public ed. employees, cost-of-living incr., provid.

On motion of Representative Carter, the resolution, H.R. 285, was adopted.

**SPECIAL ORDER CALENDAR**

The House then proceeded with the consideration of the Special Order Calendar.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 692, was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Guin, Hall (A), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Laird, Layson, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 692. To amend Section 16-13-144, Code of Alabama 1975, relating to local board of education budgets and providing a prohibition and penalty for a deficit budget; to permit the State Superintendent of Education to waive the penalty for school systems making a substantial effort to remove the deficit.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Laird, Layson, Lindsey, McAdory, McDaniel, McMillan, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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#### **REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 630. To provide for a lifetime resident saltwater fishing license and for its issuance; and to provide for the establishment of the Alabama Marine Resources Endowment Fund and for the deposit of fees from the license provided by this act into the endowment fund.

TOMMY CARTER  
Chairman

And the bill, H. 630, as engrossed, was ordered sent to the Senate.

#### **REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:



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H. 550. To amend Sections 34-29-63, 34-29-64, 34-29-65, 34-29-66, 34-29-68, 34-29-69, 34-29-70, and 34-29-83, Code of Alabama 1975; to provide for the membership, qualifications, and duties of the Alabama State Board of Veterinary Medical Examiners; to change the name of the executive secretary to executive director; to increase the compensation of the executive director; and provide for an appeal process.

**TOMMY CARTER**  
Chairman

And the bill, H. 550, as engrossed, was ordered sent to the Senate.

**SPECIAL ORDER CALENDAR RESUMED**

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 663, was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 663. To amend Sections 16-8-42 and 16-11-27, Code of Alabama 1975, to require local boards of education to fully insure all school buildings and property, equipment, furniture and supplies.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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And the bill:

H. 300. (With Substitute) (With Amendments): To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1997.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and for capital outlay for the fiscal year ending September 30, 1997.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. There is hereby appropriated for the support of public education in Alabama for the fiscal year ending September 30, 1997, for debt service, and for capital outlay to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 and 4 of this Act. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs is shown so as to include estimated sources of funds other than those listed in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ETF" shall mean the Education Trust Fund and "Federal and Local Funds" shall mean all gifts, grants, contributions, or entitlements, including grants by the Congress of the United States, municipalities or counties.

SECTION 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Education Trust Fund, Alabama Peace Officers' Standards and Training Fund, and Public School Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1997, and the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Code of Alabama 1975, Sections 41-4-80 et seq.), the provisions of The Budget Management Act of 1976 (Code of Alabama 1975, Sections 41-19-1 et seq.), and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Earmarked Funds" and "Appropriation Total" are as set forth for the purpose of establishing amounts estimated to be available by programmatic area from sources other than those listed in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for an efficient use of funds available and are hereby appropriated by the Legislature. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

Fund Sources Included  
In Appropriation Total

ETF	Earmarked Funds	Appropriation Total
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SECTION 3.

STATE AGENCIES:

1. AMERICAN LEGION AND  
AUXILIARY SCHOLARSHIPS:

(a) Support of Other Educational Activities Program.....	82,471
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SOURCE OF FUNDS:

(1) ETF.....	82,471	
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Total American Legion and Auxiliary Scholarships.....	82,471	82,471
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To be expended under the provisions  
of Code of Alabama 1975, Sections  
16-31-1 through 16-31-4.

**2. ARCHIVES AND HISTORY, DE-  
PARTMENT OF:**

(a) Historical Education Management Program.....	485,000
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**SOURCE OF FUNDS:**

(1) ETF.....	485,000	
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Total Department of Archives and History.....	485,000	485,000	
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**3. ARTS, STATE COUNCIL ON THE:**

(a) Fine Arts Program.....	3,568,423
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**SOURCE OF FUNDS:**

(1) ETF.....	3,008,423
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(2) Federal and Local Funds.....	560,000	
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Total State Council on the Arts.....	3,008,423	560,000	3,568,423	
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Of the above appropriation to the State  
Council on the Arts, \$1,000,000  
shall be expended for the Arts in  
the Classroom Program.

**4. BUSKEY MATCHING FUNDS -  
PENNY TRUST FUND:**

(a) Special Services Program, Estimated.....	15,000
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**SOURCE OF FUNDS:**

(1) ETF.....	15,000	
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Total Buskey Matching Funds - Penny Trust Fund.....	15,000	15,000	
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In accordance with Sections  
41-15A-10 through 41-15A-12,  
Code of Alabama 1975.

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5. CHILD ABUSE AND NEGLECT  
PREVENTION BOARD:

(a) Social Services Program..... 2,991,230

In accordance with Sections 26-16-1  
et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) ETF..... 2,991,230

Total Child Abuse and Neglect  
Prevention Board..... 2,991,230 2,991,230

6. DEBT SERVICE:

(a) Debt Service Program..... 13,345,726

For payments on interest and principal  
of General Obligation Refunding  
Bonds, 1992, Series  
A & B..... 12,297,131

For payments on endowments as  
follows:

For interest and principal on University  
of Montevallo (Alabama College)  
Endowment..... 433,851

For interest on Auburn University  
Endowment..... 20,280

For interest on University of Alabama  
Endowment..... 61,000

For interest on Grove Hill Endow-  
ment..... 600

For interest on Public School Fund  
Endowment:

Interest on 16th Section Lands,  
Estimated..... 410,000

Interest on School Indemnity Lands,  
Estimated..... 90,000

Interest on Valueless 16th Section  
Lands.....5,825

Interest on Surplus Revenue.....26,764

Interest on James Wallace Fund....275

Total Interest on Public School Fund  
Endowment.....532,864

**SOURCE OF FUNDS:**

(1) ETF.....	<u>13,345,726</u>	
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Total Debt Service.....	<u>13,345,726</u>	<u>13,345,726</u>
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**7. DENTAL SCHOLARSHIP  
AWARDS, BOARD OF:**

(a) Support of Other Educational Activities Program.....		121,854
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**SOURCE OF FUNDS:**

(1) ETF.....	<u>121,854</u>	
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Total Board of Dental Scholarship Awards.....	<u>121,854</u>	<u>121,854</u>
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To be expended under the provisions  
of Code of Alabama 1975, Sections  
16-47-76 through 16-47-81.

**8. DRUG EDUCATION AND AWARE-  
NESS OVERSIGHT COUNCIL:**

(a) Support of Other Educational Activities Program.....		843,253
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**SOURCE OF FUNDS:**

(1) ETF.....	<u>843,253</u>	
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Total Drug Education and Awareness Oversight Council.....	<u>843,253</u>	<u>843,253</u>
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To be expended under the provisions  
of Code of Alabama 1975, Sections  
41-25-1 through 41-25-5.

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9. EDUCATION, STATE BOARD OF -  
K-12 FOUNDATION PROGRAM:

(a) Foundation Program.....	2,376,776,102
(b) Transportation Program.....	140,871,524
(c) Board of Adjustment.....	450,000
(d) Endowment Interest Program - Public School Fund.....	532,864
(e) Hold Harmless Program - Public School Fund.....	21,078,965
(f) Capital Outlay Program - Public School Fund.....	47,921,035

SOURCE OF FUNDS:

(1) ETF.....	2,364,354,277	
(2) Public School Fund.....	69,532,864	
(3) Local Funds.....	153,743,349	

Total State Board of Education - K-12  
Foundation Program..... 2,364,354,277 223,276,213 2,587,630,490

The above appropriation shall be distributed by the State Board of Education in accordance with the provisions of the Code of Alabama 1975, Sections 16-13-230 through 16-13-239, and all other laws and regulations of the State Board of Education relating to the expenditure of such funds. These funds shall be used to provide a minimum school term and for equitable educational opportunities in the public schools of the state. In allocating the funds in subsection (a) the State Board of Education shall allot funds based on the rates established as follows: For "Salaries of Teachers" the Foundation Program shall use the state salary matrix below:

<u>Years</u>	<u>BS</u>	<u>MS</u>	<u>6Y</u>	<u>DO</u>	<u>ND</u>
exp < 3	25,882	29,764	32,093	34,423	25,882
3 ≤ exp < 6	28,470	32,740	35,303	37,865	28,470
6 ≤ exp < 9	28,858	33,187	35,784	38,381	28,858
9 ≤ exp < 12	29,246	33,633	36,265	38,898	29,246
12 ≤ exp < 15	29,634	34,080	36,747	39,414	29,634
15 ≤ exp < 18	30,023	34,526	37,228	39,930	30,023
18 ≤ exp < 21	30,411	34,973	37,710	40,447	30,411
21 ≤ exp < 24	30,799	35,419	38,191	40,963	30,799

For "Fringe Benefits" the rate per day for two personal days and five sick days (for units earned in the Foundation Program) shall be \$35. The Teachers' Retirement System rate shall be 9.23% of salaries and the Public Education Employees' Health Insurance rate shall be \$210.50 per month for each full-time employee. For "Classroom Instructional Support" the uniform amounts used in determining the Foundation Program allowance for classroom instructional support shall be: (1) classroom materials and supplies at \$500 per unit earned in the Foundation Program; (2) textbooks at \$50 per pupil in average daily membership during the first forty scholastic days of the preceding school year; (3) technology at \$200 per unit earned in the Foundation Program; (4) professional development at \$120 per unit earned in the Foundation Program; (5) library enhancement at \$135 per unit earned in the Foundation Program. The library enhancement appropriation shall be for K-12 Public School Library/



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Media Centers and is an absolute appropriation. Not less than 50% of the above appropriation is to be expended for books. Other expenditures may include book binding, repair, CD Roms, computer software, computer equipment, cataloging, audio-visual materials, newspapers, magazines, recordings, and video tapes. Notwithstanding the foregoing, the budgeting and expenditure of funds in subsection (a) at the local level shall be determined and made by the local board of education in accordance with rules and regulations of the State Board of Education and all laws governing such school budgets and expenditures.

**10. EDUCATION, STATE BOARD  
OF - POSTSECONDARY PRISON  
EDUCATION:**

(a) Operations and Maintenance..... 9,021,725

**SOURCE OF FUNDS:**

(1) ETF..... 9,021,725

Total State Board of Education -  
Postsecondary Prison Education..... 9,021,725 9,021,725

The Operations and Maintenance appropriation above of \$9,021,725 to the State Board of Education for Postsecondary Prison Education is to be distributed to colleges listed herein on a needs basis as determined by the State Board of Education pursuant to a recommendation by the Chancellor. The allocations required herein shall be distributed among the following colleges: (1) John C. Calhoun State Community College; (2) Jefferson Davis State Community College; (3) Gadsden State Community College; (4) J.F. Ingram State Community College; (5) Theodore A. Lawson State Community College; and (6) Chauncey Sparks State Technical College.

**11. EDUCATION, STATE BOARD  
OF - POSTSECONDARY SKILLS  
TRAINING AND EDUCATION:**

(a) Operations and Maintenance..... 22,447,250

## SOURCE OF FUNDS:

(1) Federal and Local Funds.....	<u>22,447,250</u>		
Total State Board of Education - Postsecondary Skills Training and Education.....	<u>22,447,250</u>	<u>22,447,250</u>	

12. EDUCATION, STATE BOARD  
OF - TWO-YEAR COLLEGE  
SYSTEM:

(a) Operations and Maintenance.....	184,186,275	106,392,444	290,578,719
(b) Central Alabama Community College-Coosa Valley Nurses Training Program.....	249,696		249,696
(c) Library Enhancement.....	500,000		500,000
(d) Auxiliary Enterprises.....		17,261,125	17,261,125
(e) Restricted Funds.....	<u>78,770,359</u>	<u>78,770,359</u>	

## SOURCE OF FUNDS:

(1) ETF.....	184,935,971		
(2) Federal and Other Funds.....	<u>202,423,928</u>		
Total State Board of Education - Two-Year College System.....	<u>184,935,971</u>	<u>202,423,928</u>	<u>387,359,899</u>

(a) Each community, junior, and technical college shall receive the same proportionate share from the appropriation for Operations and Maintenance as was received during the 1995-96 fiscal year. The allocations required herein shall be distributed among the following colleges: (1) Alabama Aviation and Technical College; (2) Alabama Southern Community College; (3) Harry M. Ayers State Technical College; (4) Bessemer State Technical College; (5) Beville State Community College; (6) S.D. Bishop State Community College; (7) John C. Calhoun State Community College; (8) Central Alabama Community College (including Coosa Valley Nurses Training Program); (9) Chattahoochee Valley State Community College; (10) J.F. Drake State Technical College; (11) Enterprise State Junior College; (12) Faulkner State Community College; (13) Gadsden State Community College; (14) J.F. Ingram State Community College; (15) Jefferson Davis State Community College; (16) Jefferson State Community College; (17) Theodore A. Lawson State Community College; (18) Lurleen B. Wallace State Junior College; (19) Douglas MacArthur State Technical College; (20) Northeast Alabama State Community College; (21) Northwest-Shoals Community College; (22) John M.

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Patterson State Technical College; (23) Ed E. Reid State Technical College; (24) Shelton State Community College; (25) Snead State Community College; (26) Chauncey Sparks State Technical College; (27) Southern Union State Community College; (28) Council Trenholm State Technical College; (29) George C. Wallace State Community College (Dothan); (30) George C. Wallace State Community College (Hanceville); (31) George C. Wallace State Community College (Selma).

(b) The Library Enhancement appropriation in (c) above of \$500,000 to the State Board of Education for the Two-Year College System is to be distributed to the junior colleges listed above in (a) on a fall quarter 1994-95 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes.

**13. EDUCATION, STATE DEPARTMENT OF:**

(a) Administrative Services Program....

53,495,387

The proposed spending plan for the  
ETF monies included in the above  
program is as follows:

Operations and Maintenance of  
Department.....15,777,077

Alabama Young Farmers Education  
Program.....45,252

To be administered by the Houston  
County Board of Education.

Alabama Teachers of the Year  
Program.....25,000

Dropout Prevention Pilot  
Project.....75,000

The pilot project for dropout prevention is hereby funded in an urban location, to allow dropouts or students whose education was interrupted for disciplinary reasons to complete their high school diplomas, or G.E.D. preparation, or vocational training (for age-qualified students). Two or more local boards of education shall participate in the

pilot project, and the boards may provide the services or may contract for the services. The activities, expenditures and results of this pilot project shall be reported to the State Superintendent of Education not later than December 1, 1997.

Civic Education Project.....100,000

Citizenship and Character and Leadership Education.....350,000

To be administered by the Citizenship Trust Fund pursuant to Act 95-376.

Alabama Science in Motion Program.....2,475,000

Alabama Writing Project.....100,000

SOURCE OF FUNDS:

(1) ETF.....	18,947,329		
(2) Federal and Local Funds.....		34,548,058	
Total Administrative Services Program .....	18,947,329	34,548,058	53,495,387
(b) Adult Basic Education Program.....			14,205,670

SOURCE OF FUNDS:

(1) ETF.....	5,427,646		
(2) Federal and Local Funds.....		8,778,024	
Total Adult Basic Education Program...	5,427,646	8,778,024	14,205,670
(c) Community Education Program.....			1,022,645

SOURCE OF FUNDS:

(1) ETF.....	811,296		
(2) Federal and Local Funds.....		211,349	
Total Community Education Program...	811,296	211,349	1,022,645

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(d) At-Risk/After-School Tutorial Program.....	1,250,000
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SOURCE OF FUNDS:

(1) ETF.....	1,250,000	
<hr/>		
Total At-Risk/After-School Tutorial Program.....	1,250,000	1,250,000
<hr/>		

The above appropriation shall be used to develop programs that address the needs of at-risk students as defined by the State Department of Education. These programs shall provide additional services that increase the amount and quality of instructional time with extended learning time opportunities including but not limited to before and after school programs, summer programs, tutoring programs, weekend programs, and alternative schools. A portion of the appropriation may also be used for training parents and teachers to work with at-risk students and to provide services that meet identified critical needs of at-risk students. In addition to the above appropriation for the At-Risk program, there is hereby appropriated \$15 million to be conditioned on the availability of funds in the ETF and the approval of the Governor. This is to be the first priority conditional of the ETF and shall be released in full prior to the release of any other conditional appropriations from the ETF by the Governor.

(e) Financial Assistance Program.....	346,507,235
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The proposed spending plan for the ETF monies included in the above program is as follows:

Financial Assistance - Pre-School Program.....	2,512,096
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State Occupational Information  
Coordinating Committee.....150,000

## SOURCE OF FUNDS:

(1) ETF.....	2,662,096		
(2) Federal and Local Funds.....		343,845,139	
Total Financial Assistance Program.....	2,662,096	343,845,139	346,507,235
(f) Instructional Technical Assistance Program.....			150,000

The proposed spending plan for the  
ETF monies included in the above  
program is as follows:

Teaching Children With Disabilities  
Administration Program.....100,000

National Geographic Grant-Matching  
Funds.....50,000

## SOURCE OF FUNDS:

(1) ETF.....	150,000		
Total Instructional Technical Assis- tance Program.....	150,000		150,000
(g) Support of Other Educational Activities Program.....			12,750

The proposed spending plan for the  
ETF monies included in the above  
program is as follows:

Education of Dependents of Blind  
Parents.....12,750

## SOURCE OF FUNDS:

(1) ETF.....	12,750		
Total Support of Other Educational Activities Program.....	12,750		12,750

For reimbursement of every state institution of higher learning, college, university, community college, technical college, or junior college in which benefits are given to dependents of blind parents under the provisions of Code of Alabama 1975, Sections 16-33-1 through 16-33-12.

(h) Multi-System Evaluation Center Program.....	200,000
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Of the above appropriation to the Multi-System Evaluation Center, it is the intent of the Legislature that \$75,000 shall be utilized to continue a multi-system evaluation center in West Alabama.

SOURCE OF FUNDS:

(1) ETF.....	200,000	
Total Multi-System Evaluation Center. .	200,000	200,000

(i) National Board for Professional Teachers Standards.....	200,000
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SOURCE OF FUNDS:

(1) ETF.....	200,000	
Total National Board for Professional Teachers Standards.....	200,000	200,000

(j) Disability Determination for Social Security Program.....	33,020,589
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SOURCE OF FUNDS:

(1) Federal and Local Funds.....	33,020,589	
Total Disability Determination for Social Security Program.....	33,020,589	33,020,589

TOTAL DEPARTMENT OF  
EDUCATION:

## SOURCE OF FUNDS:

(1) ETF.....	29,661,117		
(2) Federal and Local Funds.....		<u>420,403,159</u>	
GRAND TOTAL STATE DEPARTMENT OF EDUCATION.....	<u>29,661,117</u>	<u>420,403,159</u>	<u>450,064,276</u>

14. EDUCATIONAL TELEVISION  
COMMISSION:

(a) Educational Television and Public Radio Service Program.....			7,533,639
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Of the above appropriation, \$150,000 shall be allocated for the "Discovering Alabama" TV series.

(b) Capital Outlay Program.....			127,500
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The above appropriation is for equipment replacement/upgrade purposes.

## SOURCE OF FUNDS:

(1) ETF.....	6,576,389		
(2) Federal and Local Funds.....		<u>1,084,750</u>	
Total Educational Television Commission.....	<u>6,576,389</u>	<u>1,084,750</u>	<u>7,661,139</u>

15. EXAMINERS OF PUBLIC  
ACCOUNTS, DEPARTMENT OF:

(a) Educational Audit Services Program.....			1,323,994
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## SOURCE OF FUNDS:

(1) ETF.....	<u>1,323,994</u>		
Total Department of Examiners of Public Accounts.....	<u>1,323,994</u>		<u>1,323,994</u>



16. FAMILY PRACTICE RURAL  
HEALTH BOARD:

(a) Family Practice Rural Health Program.....	733,540
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SOURCE OF FUNDS:

(1) ETF.....	733,540	
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Total Family Practice Rural Health Board.....	733,540	733,540
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17. FINANCE, DEPARTMENT OF -  
TELECOMMUNICATIONS  
DIVISION, TELEPHONE REVOLV-  
ING FUND:

(a) Administrative Support Services Program.....	2,000,000
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SOURCE OF FUNDS:

(1) ETF-Transfer.....	2,000,000	
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Total Department of Finance - Telecommunications Division, Telephone Revolving Fund.....	2,000,000	2,000,000
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The Telephone Revolving Fund shall  
assess to using agencies and  
institutions any additional amount  
necessary to provide continuing  
non-interrupted service of a  
minimum maintenance level.

18. FINE ARTS, ALABAMA SCHOOL  
OF:

(a) Fine Arts Program.....	4,265,857
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SOURCE OF FUNDS:

(1) ETF.....	3,588,403	
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(2) Federal and Local Funds.....	677,454	
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Total Alabama School of Fine Arts.....	3,588,403	677,454	4,265,857
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19. FIREFIGHTERS' PERSONNEL  
STANDARDS AND EDUCATION  
COMMISSION ALABAMA/  
ALABAMA STATE FIRE  
COLLEGE-SHELTON STATE  
COMMUNITY COLLEGE:

(a) Operations and Maintenance.....	2,797,061	1,439,115	4,236,176
(b) Auxiliary Enterprises.....		<u>1,240,811</u>	<u>1,240,811</u>

SOURCE OF FUNDS:

(1) ETF.....	2,797,061		
(2) Federal and Other Funds.....		<u>2,679,926</u>	

Total Alabama Firefighters' Personnel Standards and Education Commission/Alabama State Fire College - Shelton State Community College.....	<u>2,797,061</u>	<u>2,679,926</u>	<u>5,476,987</u>
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Of the above O & M appropriation of \$2,797,061 from the ETF, the sum of \$63,545 shall be used for training and instructional equipment and the development and delivery of hazardous materials training. In addition to the above appropriation, there is hereby appropriated \$3,000,000 to be conditioned on the availability of funds in the ETF and the approval of the Governor.

20. HIGHER EDUCATION, ALABAMA  
COMMISSION ON:

(a) Planning and Coordination Services Program .....	2,536,808
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The proposed spending plan for the ETF monies included in the above program is as follows:

Operations and Maintenance.....	2,536,808
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SOURCE OF FUNDS:

(1) ETF..... 2,536,808

Total Planning and Coordination  
Services Program (Total  
Operations) ..... 2,536,808 2,536,808

(b) Student Financial Aid Program..... 10,470,574

The proposed spending plan for the  
ETF monies included in the above  
program is to be distributed through  
ACHE as follows:

(1) Educational Grants Pro-  
gram.....5,600,000

(2) Alabama National Guard Educa-  
tional Assistance.....570,000

To be expended in accordance with  
Code of Alabama 1975, Sections  
31-10-1 through 31-10-4 and  
Sections 31-10-20 through  
31-10-25.

(3) Teacher Education Scholarship  
Loan Program.....1,710,000

To be expended in accordance with  
Code of Alabama 1975, Section  
16-23-24.

(4) Chiropractic Scholarships.....34,187

To be expended in accordance with  
Code of Alabama 1975, Section  
16-5-11.

(5) Policeman's Survivor Tuition,  
Estimated.....54,000

To be expended under the provisions  
of Code of Alabama 1975, Section  
36-21-105.

(6) Alabama Student Assistance  
Program.....1,547,471

## SOURCE OF FUNDS:

(1) ETF.....	9,515,658		
(2) Federal and Local Funds.....		954,916	
Total Student Financial Aid Program ...	9,515,658	954,916	10,470,574
(c) Support of Other Educational Activities Program.....			3,132,429

The proposed spending plan for the  
ETF monies included in the above  
program is to be distributed through  
ACHE as follows:

- (1) Network of Alabama Academic  
Libraries (NAAL).....400,000
- (2) Southern Regional Education  
Board (SREB).....620,540
- (3) EPSCoR-National Science Foun-  
dation Program.....600,000
- (4) Computer-Based Articulation  
System.....446,461

To fund Troy State University for  
developing and operating a  
state-wide computer-based  
articulation system to serve all  
four-year and two-year  
postsecondary institutions in the  
State of Alabama.

- (5) Alabama Small Business Develop-  
ment Consortium.....250,000
- (6) Governor's Commission on Histori-  
cally Black Colleges and  
Universities.....100,000

To be expended pursuant to Executive  
Order No. 21.

## SOURCE OF FUNDS:

- (1) ETF..... 2,417,001

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(2) Federal and Local Funds.....	<u>715,428</u>		
Total Support of Other Educational Activities Program.....	2,417,001	715,428	3,132,429
(d) Alabama Guaranteed Student Loan Program.....			5,573,084

SOURCE OF FUNDS:

(1) Federal and Local Funds.....	<u>5,573,084</u>		
Total Alabama Guaranteed Student Loan Program.....	5,573,084	5,573,084	

TOTAL ALABAMA COMMISSION ON  
HIGHER EDUCATION:

SOURCE OF FUNDS:

(1) ETF.....	14,469,467		
(2) Federal and Local Funds.....	<u>7,243,428</u>		
GRAND TOTAL ALABAMA COMMISSION ON HIGHER EDUCATION.....	14,469,467	7,243,428	21,712,895

21. HUMAN RESOURCES, DEPARTMENT OF:

(a) Jobs Opportunities and Basic Skills Training (JOBS) Program.....			3,634,058
(b) JOBS Child Care and After School Child Care Program.....			3,651,195

SOURCE OF FUNDS:

(1) ETF.....	<u>7,285,253</u>		
Total Department of Human Resources.....	7,285,253		7,285,253

Of the total state and federal dollars received by the Department of Human Resources for the JOBS program, at least \$600,000 shall be

used to contract with the Department of Education-Adult Basic Education Program for educational services to JOBS participants; \$99,000 shall be expended for the HERO Program in Hale County; \$25,000 for the Essie Floyd Daycare Center; and \$100,000 for the Brantwood Children's Home. None of the monies appropriated to the JOBS Child Care and After School Child Care Program shall be used to supplant or decrease any existing support or other funding for the subsidized child care program.

## 22. INDUSTRIAL DEVELOPMENT TRAINING INSTITUTE, ALABAMA:

(a) Industrial Training Program.....	1,839,901	1,839,901
(b) Industrial Development Program.....	<u>6,676,273</u>	<u>6,676,273</u>

### SOURCE OF FUNDS:

(1) ETF.....	<u>8,516,174</u>	
Total Alabama Industrial Development Training Institute.....	<u>8,516,174</u>	<u>8,516,174</u>

Of the above appropriation to the Alabama Industrial Development Training Institute, \$350,000 shall be transferred to the University of Alabama in Huntsville for an Advanced Technology Transfer Program; \$500,000 shall be expended for retraining programs for Gulf States Steel Corporation and for Goodyear Tire Company to be conducted by Gadsden State Community College; \$500,000 shall be expended to fund the operations of the Michelin Training Center; \$500,000 shall be expended for training for the Tire Recycling Center at Shelton State Community College; \$300,000 shall be

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expended for the Job Corps Training Center at Council Trenholm State Technical College; and \$500,000 shall be expended by Jefferson State Community College for the International Standardization Organization (ISO 9000 program).

23. LAW INSTITUTE, ALABAMA:

(a) Support of Other Educational Activities Program.....	51,000
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SOURCE OF FUNDS:

(1) ETF.....	51,000	
Total Alabama Law Institute.....	51,000	51,000

24. LIBRARY SERVICE, ALABAMA PUBLIC:

(a) Public Library Service Program.....	9,993,550
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SOURCE OF FUNDS:

(1) ETF.....	8,281,148	
(2) Federal and Local Funds.....	1,712,402	
Total Alabama Public Library Service...	8,281,148	1,712,402 9,993,550

Of the above appropriation, a minimum of \$5,549,347 is to be distributed to the public libraries within the state.

25. MARINE ENVIRONMENTAL SCIENCES CONSORTIUM:

(a) Support of Other Educational Activities Program.....	3,161,884
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SOURCE OF FUNDS:

(1) ETF.....	2,338,351	
(2) Federal and Other Funds.....	823,533	
Total Marine Environmental Sciences Consortium.....	2,338,351	823,533 3,161,884

26. MATHEMATICS AND SCIENCE,  
ALABAMA SCHOOL OF:

(a) Mathematics and Science Program.....	4,987,575
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SOURCE OF FUNDS:

(1) ETF.....	4,963,575		
(2) Federal and Local Funds.....		24,000	
Total Alabama School of Mathematics and Science.....	4,963,575	24,000	4,987,575

27. MEDICAL SCHOLARSHIP  
AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program.....	1,318,721
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SOURCE OF FUNDS:

(1) ETF.....	468,721		
(2) Federal and Local Funds.....		850,000	
Total Board of Medical Scholarship Awards.....	468,721	850,000	1,318,721

To be expended under the provisions  
of Code of Alabama 1975, Sections  
16-47-121 through 16-47-129.

28. MENTAL HEALTH AND MENTAL  
RETARDATION, DEPARTMENT  
OF:

(a) Mental Illness Program.....	5,347,187
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Of the above appropriation, \$300,000  
shall be expended for Alzheimer's  
Disease Education and Training.

(b) Mental Retardation Program.....	5,536,509
(c) Substance Abuse Program.....	788,979



SOURCE OF FUNDS:

(1) ETF.....	<u>11,672,675</u>	
Total Department of Mental Health and Mental Retardation.....	<u>11,672,675</u>	<u>11,672,675</u>

The Department of Mental Health and Mental Retardation shall enter into contracts with local school systems to reimburse those school systems for education and education-related services provided to children under the care of the Department of Mental Health and Mental Retardation.

29. MONTGOMERY INTERNAL  
MEDICINE RESIDENCY  
PROGRAM:

(a) Support of Other Educational Activities Program.....	191,000
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SOURCE OF FUNDS:

(1) ETF.....	<u>191,000</u>	
Total Montgomery Internal Medicine Residency Program.....	<u>191,000</u>	<u>191,000</u>

The above appropriation to the Montgomery Internal Medicine Residency Program from the ETF shall be in addition to the funds received by said program from the University of Alabama at Birmingham (UAB), and the funds allocated to the Montgomery Internal Medicine Residency Program from UAB shall not be diminished from the amount allocated in fiscal year 1995-96.

30. MUSIC HALL OF FAME,  
ALABAMA:

(a) Support of Other Educational Activities Program.....	145,800
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## SOURCE OF FUNDS:

(1) ETF.....	145,800	
Total Alabama Music Hall of Fame.....	145,800	145,800

31. NURSING, ALABAMA BOARD  
OF:

(a) Professional and Occupational Licensing and Regulation Program.....		57,000
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## SOURCE OF FUNDS:

(1) ETF-Transfer.....	57,000	
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As provided in Code of Alabama 1975,  
Sections 34-21-60 through  
34-21-63 for Graduate Nursing  
Scholarships.

Total Alabama Board of Nursing.....	57,000	57,000
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32. OPTOMETRIC SCHOLARSHIP  
AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program.....		103,160
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## SOURCE OF FUNDS:

(1) ETF.....	103,160	
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Total Board of Optometric Scholarship Awards.....	103,160	103,160
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To be expended under the provisions  
of the Code of Alabama 1975,  
Sections 34-22-60 through  
34-22-65.

33. PEACE OFFICERS' STANDARDS  
AND TRAINING COMMISSION,  
ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program.....		405,136
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(b) Certified Law Enforcement Academy Program .....	1,062,900
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Of the above appropriation for the Certified Law Enforcement Academy Program, the \$612,900 of ETF monies included therein shall be expended as follows:

Northeast Police Academy.....	159,354
University of Alabama.....	159,354
Southwest Police Academy.....	159,354
Alabama Police Academy.....	85,806
Montgomery Police Academy....	<u>49,032</u>
Total.....	612,900

SOURCE OF FUNDS:

(1) ETF.....	1,018,036		
(2) Alabama Peace Officers' Standards and Training Fund-as provided in Code of Alabama 1975, Sections 36-21-40 through 36-21-51.....		<u>450,000</u>	
Total Alabama Peace Officers' Standards and Training Commission.....	<u>1,018,036</u>	<u>450,000</u>	<u>1,468,036</u>

34. POSTSECONDARY EDUCATION DEPARTMENT:

(a) Postsecondary Two-Year Institutions Program.....	3,036,820
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SOURCE OF FUNDS:

(1) ETF.....	2,604,336		
(2) Federal and Local Funds.....		<u>432,484</u>	
Total Postsecondary Education Department.....	<u>2,604,336</u>	<u>432,484</u>	<u>3,036,820</u>

**35. SOIL AND WATER CONSERVATION COMMITTEE, STATE:**

(a) Soil Conservation Program..... 21,250

**SOURCE OF FUNDS:**(1) ETF..... 21,250Total State Soil and Water Conservation Committee..... 21,250 21,250**36. SPORTS HALL OF FAME, ALABAMA:**

(a) Scholarship Program..... 100,000

**SOURCE OF FUNDS:**(1) ETF..... 100,000Total Alabama Sports Hall of Fame..... 100,000 100,000**37. SUPERCOMPUTER AUTHORITY, ALABAMA:**

(a) Administrative Support Services Program..... 6,196,057

The above appropriation is to be expended in accordance with Sections 41-10-390 through 41-10-406, Code of Alabama 1975.

**SOURCE OF FUNDS:**

(1) ETF-Transfer..... 5,000,000

(2) Supercomputer Revolving Fund, Estimated..... 1,196,057Total Alabama Supercomputer Authority..... 5,000,000 1,196,057 6,196,057

In addition to the above appropriation, there is hereby appropriated \$1,000,000 to be conditioned on the availability of funds in the ETF and the approval of the Governor.

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38. TENURE COMMISSION, STATE:

(a) Regulation Program..... 8,264

SOURCE OF FUNDS:

(1) ETF..... 8,264

Total State Tenure Commission..... 8,264 8,264

39. VETERANS' AFFAIRS, DEPARTMENT OF:

(a) Administration of Veterans' Affairs  
Program, Estimated..... 5,434,690

SOURCE OF FUNDS:

(1) ETF-Transfer..... 5,434,690

Total Department of Veterans'  
Affairs ..... 5,434,690 5,434,690

The above appropriation is for Veterans' Education Benefits and includes pro rata administration costs of the Department of Veterans' Affairs and for the reimbursement to every state institution of higher learning, college, university, community college, junior college, or technical college in which benefits are given to veterans, their spouses, widows, or children under the provisions of Code of Alabama 1975, Sections 31-6-1 through 31-6-17. In addition to the above appropriation to the Department of Veterans' Affairs, there is hereby appropriated \$1,000,000 to be conditioned on the availability of funds in the ETF and the approval of the Governor.

40. YOUTH SERVICES, DEPARTMENT OF:

(a) Financial Assistance Program..... 7,589,234

The above appropriation for Financial Assistance Program includes \$7,186,601 of ETF monies. The above appropriation shall be expended by the Youth Services Department District in a manner consistent with the funding formula cooperatively established by the Youth Services Board and the State Board of Education pursuant to the provisions of Code of Alabama 1975, Sections 44-1-70 through 44-1-77.

#### SOURCE OF FUNDS:

(1) ETF.....	7,186,601		
(2) Federal and Local Funds.....		402,633	
Total Department of Youth Services.....	7,186,601	402,633	7,589,234

#### SECTION 4.

#### COLLEGES, UNIVERSITIES AND SCHOOLS:

##### I. BOARD OF TRUSTEES OF UNIVERSITY OF ALABAMA:

(a) Operations and Maintenance and Program Support for the University of Alabama at Tuscaloosa.....	102,466,518	67,180,622	169,647,140
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The above amounts distributed to the President of the University of Alabama for operations and maintenance funding shall include support for such entities as Industrial Management and Manufacturing Technology and Magnetic Information Technology Programs; Center for Emotionally Disturbed Children; Nursing Scholarships; Advocacy Program for the Developmentally Disabled; Capstone Medical Center; Sports Medicine; Alabama Museum of Natural History; College

of Community Health Sciences;  
University Research Library;  
Research, Extension and Public  
Service; School of Mines and  
Energy Development; Computer  
Research and Development; Rural  
Infant Stimulation Environment  
Program; High Risk Nursery; Safe  
State Program; Tannehill Learning  
Center.

(b) Operations and Maintenance and  
Program Support for the University  
of Alabama at Birmingham..... 178,357,284 625,899,756 804,257,040

The above amounts distributed to the  
President of the University of  
Alabama at Birmingham for  
operations and maintenance  
funding shall include support for  
such entities as University College;  
Family Practice Residency  
Programs at Anniston, East End,  
Jefferson County, Montgomery,  
Selma and Gadsden; School of  
Medicine; University Hospitals;  
School of Optometry; School of  
Community and Allied Health;  
Regional Technical Institute; Joint  
Health Sciences; Educational  
Finance Initiative; Department of  
Pediatrics and Children's Hospital;  
Center for Labor Education and  
Research; Student Nurses Loans;  
Center for Diabetes Research;  
Urban Research and Public  
Service; School of Dentistry;  
System Medical Education  
Program; School of Nursing; Health  
Related Research and Public  
Service; Public Health Research  
Program; Medical Genetics  
Program; Nursing Scholarships;  
Program Enhancement/Minority  
Recruitment; Minority Faculty  
Development Program; Science,  
Engineering and Education  
Program; Molecular Genetic and

Biotechnology Program; Hypertension Research; Multipurpose Arthritis Center; School of Engineering and Business Telecommunications Research Center; School of Public Health; Montgomery Internal Medicine Residency; Center for Advancement of Developing Industries; Center for Cystic Fibrosis Research; Center for Congenital Heart Disease; Biomedical Engineering Sciences; Center for Nuclear Magnetic Resonance Studies; Dental/Medical Research; Medical Grants; Virology Research; Neuro-Science Research; Geriatric Service and Research Program; Internal Medicine Development; Sudden Death Research; Research Center for Biomedical Engineering Sciences; Parkinson's Disease-Medical Research; Walker Community College; at least \$400,000 shall be allocated for the Minority Business Training-Economic Development; National Biomedical Tracer Center; Athletic Trainers Program.

(c) Operations and Maintenance and Program Support for the University of Alabama in Huntsville.....	34,236,495	25,145,814	59,382,309
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The above amounts distributed to the President of the University of Alabama in Huntsville for operations and maintenance funding shall include support for the following entities: Kenneth E. Johnson Research Center; Space Initiative; UAH Medical Clinics; Alabama Solar Energy Center; Center for High Technology Management and Economic Research; Rural Primary Care Clerkship; Research Institute; Developmental Computer Education; Center for Applied Optics; Nursing Scholarships; Center for Microgravity Science; Center for Robotics.



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(d) Chauncey Sparks Center for Developmental and Learning Disorders.....	1,000,000	1,000,000
(e) Special Mental Health, University of Alabama at Birmingham.....	3,298,696	3,298,696
(f) Alabama SchoolFest Program, University of Alabama.....	920,458	920,458
(g) Alabama Technology Network Program, University of Alabama.....	2,500,000	2,500,000

At least \$750,000 of the above appropriation to the Alabama Technology Network Program shall be expended for the development of Minority Technology Networks.

(h) Auxiliary Enterprises.....	75,886,828	75,886,828
(i) Restricted Funds.....	<u>220,250,799</u>	<u>220,250,799</u>

**SOURCE OF FUNDS:**

(1) ETF.....	322,779,451		
(2) Federal and Other Funds.....	<u>1,014,363,819</u>		
Total Board of Trustees of University of Alabama.....	<u>322,779,451</u>	<u>1,014,363,819</u>	<u>1,337,143,270</u>

**II. BOARD OF TRUSTEES OF ALABAMA A&M UNIVERSITY:**

(a) Operations and Maintenance and Program Support.....	22,923,468	15,063,934	37,987,402
(b) Title VI Program Enhancement.....	570,416		570,416

The proposed spending plan for the above Title VI Program Enhancement appropriation is as follows:

Consultants/Faculty.....	184,420
Instructional Support.....	385,996

(c) Desegregation Planning.....	184,906	184,906
(d) For Recruiting and Minority Scholarships.....	277,358	277,358
(e) Cooperative Extension, Research and Service.....	924,528	924,528

The above appropriation in (b) through (e) from the ETF is to be released and used as restricted by and in compliance with Knight vs. Alabama, 900 F Supp 272.

(f) Auxiliary Enterprises.....	5,987,221	5,987,221
(g) Restricted Funds.....	<u>19,118,834</u>	<u>19,118,834</u>

#### SOURCE OF FUNDS:

(1) ETF.....	24,880,676		
(2) Federal and Other Funds.....	<u>40,169,989</u>		
Total Board of Trustees of Alabama A&M University.....	<u>24,880,676</u>	<u>40,169,989</u>	<u>65,050,665</u>

Of the above appropriation to Alabama A&M University, \$250,000 shall be allocated to the Black Archives Museum.

#### III. BOARD OF TRUSTEES OF ALABAMA STATE UNIVERSITY:

(a) Operations and Maintenance and Program Support.....	23,109,851	16,622,748	39,732,599
(b) Title VI Program Enhancement.....	1,657,477		1,657,477

The proposed spending plan for the above Title VI Program Enhancement appropriation is as follows:

Consultants/Faculty.....	462,264
Instructional Support.....	1,195,213

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(c) Desegregation Planning.....	184,906	184,906
(d) For Recruiting and Minority Scholarships.....	277,358	277,358

The above appropriation in (b) through (d) from the ETF is to be released and used as restricted by and in compliance with Knight vs. Alabama, 900 F Supp 272.

(e) Auxiliary Enterprises.....	10,070,904	10,070,904
(f) Restricted Funds.....	<u>11,728,389</u>	<u>11,728,389</u>

**SOURCE OF FUNDS:**

(1) ETF.....	25,229,592	
(2) Federal and Other Funds.....	<u>38,422,041</u>	

Total Board of Trustees of Alabama State University.....	<u>25,229,592</u>	<u>38,422,041</u>	<u>63,651,633</u>
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**IV. BOARD OF TRUSTEES OF  
ALABAMA STATE UNIVERSITY:**

(a) Alabama State University-Miles College Consortium.....	<u>369,800</u>	<u>369,800</u>
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**SOURCE OF FUNDS:**

(1) ETF.....	<u>369,800</u>	
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Total Alabama State University-Miles College Consortium.....	<u>369,800</u>	<u>369,800</u>
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**V. STATE BOARD OF EDUCATION -  
ATHENS STATE COLLEGE:**

(a) Operations and Maintenance and Program Support.....	7,018,738	4,757,035	11,775,773
(b) Auxiliary Enterprises.....		579,981	579,981
(c) Restricted Funds.....		<u>1,262,146</u>	<u>1,262,146</u>

**SOURCE OF FUNDS:**

(1) ETF.....	7,018,738		
(2) Federal and Other Funds.....		6,599,162	
Total State Board of Education-Athens State College.....	7,018,738	6,599,162	13,617,900

In addition to the above appropriation from the ETF to Athens State College, there is hereby appropriated the amount of \$1,279,466 to be conditioned upon the availability of funds in the ETF and upon approval of the Governor. This is to be the second priority conditional and shall be released in full before any other conditional appropriations from the ETF may be released by the Governor.

#### VI. BOARD OF TRUSTEES OF AUBURN UNIVERSITY:

(a) Operations and Maintenance and Program Support.....	173,460,640	101,742,846	275,203,486
(b) Alabama Technology Network Program, Auburn University.....	1,750,000		1,750,000
(c) Auxiliary Enterprises.....		52,194,437	52,194,437
(d) Restricted Funds.....		66,546,470	66,546,470

#### SOURCE OF FUNDS:

(1) ETF.....	175,210,640		
(2) Federal and Other Funds.....		220,483,753	
Total Board of Trustees of Auburn University.....	175,210,640	220,483,753	395,694,393

Of the above appropriation to Auburn University, 12% of the amount expended for the Auburn Agricultural Experiment Station shall be used to fund the Auburn School of Forestry. In addition to the above

appropriation to Auburn University, there is hereby appropriated \$900,000 for the School of Veterinary Medicine and \$500,000 for the School of Pharmacy to be conditioned on the availability of funds in the ETF and the approval of the Governor.

VII. BOARD OF TRUSTEES OF  
JACKSONVILLE STATE  
UNIVERSITY:

(a) Operations and Maintenance and Program Support.....	24,465,277	15,785,078	40,250,355
(b) Auxiliary Enterprises.....		3,485,476	3,485,476
(c) Restricted Funds.....		<u>16,322,400</u>	<u>16,322,400</u>

SOURCE OF FUNDS:

(1) ETF.....	24,465,277		
(2) Federal and Other Funds.....		<u>35,592,954</u>	
Total Board of Trustees of Jacksonville State University.....	<u>24,465,277</u>	<u>35,592,954</u>	<u>60,058,231</u>

VIII. BOARD OF TRUSTEES OF  
UNIVERSITY OF MONTEVALLO:

(a) Operations and Maintenance and Program Support.....	12,798,577	8,377,719	21,176,296
(b) Minority Student Recruitment Program.....	125,000		125,000
(c) Auxiliary Enterprises.....		4,795,070	4,795,070
(d) Restricted Funds.....		<u>2,214,487</u>	<u>2,214,487</u>

SOURCE OF FUNDS:

(1) ETF.....	12,923,577		
(2) Federal and Other Funds.....		<u>15,387,276</u>	
Total Board of Trustees of University of Montevallo.....	<u>12,923,577</u>	<u>15,387,276</u>	<u>28,310,853</u>

IX. BOARD OF TRUSTEES OF  
UNIVERSITY OF NORTH  
ALABAMA:

(a) Operations and Maintenance and Program Support.....	18,104,587	12,032,443	30,137,030
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Of the above appropriation, \$150,000  
shall be expended at the Kilby  
School.

(b) Auxiliary Enterprises.....		3,241,094	3,241,094
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(c) Restricted Funds.....		1,224,670	1,224,670
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## SOURCE OF FUNDS:

(1) ETF.....	18,104,587		
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(2) Federal and Other Funds.....		16,498,207	
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Total Board of Trustees of University of North Alabama.....	18,104,587	16,498,207	34,602,794
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X. BOARD OF TRUSTEES OF  
UNIVERSITY OF SOUTH  
ALABAMA:

(a) Operations and Maintenance and Program Support.....	69,077,698	210,980,555	280,058,253
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(b) Auxiliary Enterprises.....		12,442,614	12,442,614
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(c) Restricted Funds.....		22,200,000	22,200,000
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## SOURCE OF FUNDS:

(1) ETF.....	69,077,698		
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(2) Federal and Other Funds.....		245,623,169	
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Total Board of Trustees of University of South Alabama.....	69,077,698	245,623,169	314,700,867
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XI. BOARD OF TRUSTEES OF TROY  
STATE UNIVERSITY:

(a) Operations and Maintenance and Program Support for Troy State University .....	19,049,720	35,001,640	54,051,360
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(b) Operations and Maintenance and Program Support for Troy State University Dothan.....	4,089,821	5,096,305	9,186,126
(c) Operations and Maintenance and Program Support for Troy State University Montgomery.....	4,280,778	4,328,220	8,608,998
(d) Auxiliary Enterprises.....		10,622,668	10,622,668
(e) Restricted Funds.....		<u>7,154,914</u>	<u>7,154,914</u>

**SOURCE OF FUNDS:**

(1) ETF.....	27,420,319		
(2) Federal and Other Funds.....		<u>62,203,747</u>	
Total Board of Trustees of Troy State University.....	<u>27,420,319</u>	<u>62,203,747</u>	<u>89,624,066</u>

**XII. BOARD OF TRUSTEES OF  
UNIVERSITY OF WEST  
ALABAMA:**

(a) Operations and Maintenance and Program Support.....	8,029,620	4,502,603	12,532,223
(b) Auxiliary Enterprises.....		2,764,980	2,764,980
(c) Restricted Funds.....		<u>401,917</u>	<u>401,917</u>

**SOURCE OF FUNDS:**

(1) ETF.....	8,029,620		
(2) Federal and Other Funds.....		<u>7,669,500</u>	
Total Board of Trustees of University of West Alabama.....	<u>8,029,620</u>	<u>7,669,500</u>	<u>15,699,120</u>

**XIII. BOARD OF TRUSTEES OF  
ALABAMA INSTITUTE FOR DEAF  
AND BLIND:**

(a) Adult Programs.....	6,106,449	4,716,323	10,822,772
(b) Children and Youth Programs.....	17,060,083	2,452,130	19,512,213

(c) Industries for the Blind.....	4,755,044	12,472,586	17,227,630
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## SOURCE OF FUNDS:

(1) ETF.....	27,921,576		
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(2) Federal and Other Funds.....		19,641,039	
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Total Board of Trustees of Alabama Institute for Deaf and Blind.....	27,921,576	19,641,039	47,562,615
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XIV. KNIGHT VS. ALABAMA - FINAN-  
CIAL OBLIGATIONS:

(a) Operations and Maintenance and Program Support, Estimated.....			6,000,000
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## SOURCE OF FUNDS:

(1) ETF.....	6,000,000		
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Total Knight vs. Alabama.....	6,000,000		6,000,000
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To be allocated and expended in  
accordance with the 1995 Remedial  
Decree in Knight vs. Alabama, Civil  
Action CV 83-M-1676, 900 F Supp  
272.

SECTION 5. No other funds provided herein for the public schools, including funds in Section 3.A.9., shall be used for the payment of any salaries of personnel not under the direct control, employment, and supervision of local boards of education. No funds provided herein for the two-year postsecondary schools under the auspices of the State Board of Education shall be used for the payment of any salaries of personnel not under the direct control, employment and supervision of said institutions.

SECTION 6. In addition to appropriations herein made, all gifts, grants, contributions, or entitlements, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray



the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

**SECTION 7.** The State Superintendent of Education shall make requisitions on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller shall issue his warrant therefor. Furthermore, the Executive Director of the Alabama Commission on Higher Education may submit to the Comptroller requests for timely payments of warrants to students receiving financial assistance to attend postsecondary educational institutions. All other appropriations in this Act shall be paid after proper requisitions are made on the State Comptroller in the manner now provided by law.

**SECTION 8.** It is the intent of the Legislature that all salary increases granted to lunchroom workers by the Legislature and the cost of any state-provided fringe benefits for lunchroom workers shall be fully funded by local boards of education from Foundation Program funds provided in this act and not from funds generated by lunchroom sales. Each local board of education shall transfer from the Foundation Program to the local Child Nutrition Fund sufficient monies to pay the full cost of the above salary increases but not less than a minimum of \$4,000 for each full-time lunchroom worker as reported in the previous year's Support Local Education Authority Personnel System (SLEAPS) reports and the full cost of any state-provided fringe benefits for all child nutrition workers at the rates provided in this act or as may be required by law. The Child Nutrition Fund shall then pay the costs of any fringe benefits as provided by law.

**SECTION 9.** Notwithstanding any provision of Section 16-13-234, Code of Alabama 1975, to the contrary, for purposes of calculating the apportionment of the hold harmless allowance in Section 3.A.9. for any local board of education for fiscal year 1996-97 and each fiscal year thereafter, there shall be added to each local board's base amount as defined in Section 16-13-234(b) the cost of any pay increase, including any cost-of-living adjustment for retirees, granted by the Legislature for fiscal year 1996-97.

**SECTION 10.** (a) Funds appropriated from the ETF or earmarked state funds in this Act to any state department, division, board, bureau, commission, agency, institution, or office (with the exception of local boards of education and postsecondary institutions of education) shall not be expended for the purchase or lease of automotive vehicles. A state agency funded from the ETF or earmarked state funds in this Act may request to purchase or lease automotive vehicles for emergency purposes. The request shall be made in writing to the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Finance and Taxation-Education. The request shall explain the nature of the automotive purchase or lease and the

emergency need for the vehicle. The request shall be approved unanimously by the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Finance and Taxation-Education prior to the purchase or lease of any automotive vehicle.

(b) No funds appropriated in this act shall be expended for the purpose of purchasing optional equipment on state motor vehicles that consist of stereo equipment, power seats, leather upholstery, premium wheel covers, deluxe exterior trim, or sun roofs.

(c) On the last day of this fiscal year, each state school, college, department, agency, or like institution receiving funds under this act shall file a report with the Legislature detailing purchases of new motor vehicles during the fiscal year, including complete information on the date of purchase, make and model of the vehicle, standard equipment on the vehicle, optional equipment on the vehicle, and a complete inventory of all state motor vehicles assigned to, being used by, or being leased by the state school, college, department, agency, or like institution receiving funds under this Act, and shall also submit an inventory report of all motor vehicles that it operates that do not have state vehicle identification license tags.

SECTION 11. Nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation.

SECTION 12. The appropriations made herein to the departments, boards, offices, commissions, and agencies include the amount necessary and said departments, boards, offices, commissions, and agencies are hereby directed to make the transfer of funds to the State Personnel Department in the amounts enumerated in the general appropriation act for the fiscal year ending September 30, 1997. All agencies enumerated in this Act that receive services from other governmental agencies enumerated in the general appropriation act shall make full payment in a timely manner (as determined by the Department of Finance) for such services.

SECTION 13. All encumbered balances of a previous fiscal year appropriation other than the exclusions authorized by the Code of Alabama 1975, Section 41-4-93, shall lapse no later than September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the ETF or earmarked fund from which the appropriation or appropriations were made.

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**SECTION 14.** If any section, paragraph, sentence, clause, provision or portion of this Act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

**SECTION 15.** All laws and parts of laws, general, special, private or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

**SECTION 16.** This Act shall become effective on October 1, 1996.

**SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-90

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Ways and Means to the bill, H. 300, as amended, said committee amendment being as follows:

Amend H. 300 As Substituted on Page 12 after line 25 by adding the following:

Alabama Center for Law and Civic Education...56,000"

Further amend on Page 12, lines 27 and 30 by deleting the number "18,947,329" and inserting in lieu thereof "19,003,329".

Further amend on Page 11, line 15 and Page 12, line 30 by deleting the number "53,495,387" and inserting in lieu thereof "53,551,387".

Further amend on Page 16, lines 27 and 30 by deleting the figure "29,661,117" and inserting in lieu thereof "29,717,117".

Further amend on Page 16, line 30 by deleting "450,067,276" and inserting in lieu thereof "450,120,276".

Further amend on Page 17, line 33 and on Page 18, lines 2 and 5 by deleting the number "2,000,000" and inserting in lieu thereof "1,994,000".

### AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 87; Nays 5.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Cams, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-87

Nay:

Representatives Dolbare, Gaines, Seibenhener, Sims and Thomas (D).

- 5

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Ways and Means to the bill, H. 300, as amended, said committee amendment being as follows:

Amend H. 300 As Substituted on Page 40, lines 16, 23 and 26 by striking the figure "18,104,587" and inserting in lieu thereof the figure "18,254,587".

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Further amend the bill on Page 40, line 16 by striking the figure "30,137,030" and inserting in lieu thereof the figure "30,287,030".

Further amend the bill on Page 40, line 26 by striking the figure "34,602,794" and inserting in lieu thereof the figure "34,752,794".

Further amend the bill on Page 17, line 33 by striking the figure "1,944,000" and inserting in lieu thereof the figure "1,794,000".

Further amend the bill on Page 18, lines 2 and 5 by striking the figure "1,944,000" and inserting in lieu thereof the figure "1,794,000".

**AMENDMENT ADOPTED**

And the amendment #2 was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-88

The question was then on the adoption of the amendment #3 reported by the Standing Committee on Ways and Means to the bill, H. 300, as amended, said committee amendment being as follows:

Amend H. 300 as substituted on page 11, line 9 by deleting the word "junior".

Further amend the bill on page 11, line 10 by deleting the language "1994-95" and inserting in lieu thereof the language "1995-96".

**AMENDMENT ADOPTED**

And the amendment #3 was adopted.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-90

The question was then on the adoption of the amendment #4 reported by the Standing Committee on Ways and Means to the bill, H. 300, as amended, said committee amendment being as follows:

Amend H. 300 as substituted on page 6, line 14 by deleting the figure "2,376,776,102" and inserting in lieu thereof the figure "2,374,126,639".

Further amend the bill on page 6, line 24 by deleting the figure "2,364,354,277" and inserting in lieu thereof the figure "2,361,704,814".

Further amend the bill on page 6, line 28 by deleting the figures "2,364,354,277" and "2,587,630,490" and inserting in lieu thereof "2,361,704,814" and "2,584,981,027" respectively.

Further amend the bill on page 8, line 20 by deleting the figure "120" and inserting in lieu thereof the figure "60".

Further amend the bill on page 14 by adding after line 23 the following:

"Teacher Inservice Centers..... 2,649,463

The State board of Education shall administer the Inservice Educational Centers and shall monitor said centers for compliance with established accountability standards. The above appropriation is to be made to each in-service center based on the number of Foundation Program teacher units earned in each region as reported by the State Department of Education, Revised Calculations for

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1995-96, and the number of teachers employed as reported on the 1995-96 LEA Personnel Report. Each in-service center shall be affiliated with the same region each center served on October 1, 1987. In addition, the appropriation made above shall be distributed to the named in-service centers within five days of each quarterly allotment to the State Department of Education.

Further amend the bill on page 14, line 27 by deleting the figures "2,662,096" and "346,507,235" and inserting in lieu thereof the figures "5,311,559" and "349,156,698" respectively.

Further amend the bill on page 14, line 25 by deleting the figure "2,662,096" and inserting in lieu thereof the figure "5,311,559".

Further amend the bill on page 14, line 16 by deleting the figure "346,507,235" and inserting in lieu thereof the figure "349,156,698".

Further amend the bill on page 16, lines 27 and 30 by deleting the figure "29,661,117" and inserting in lieu thereof the figure "32,310,580".

Further amend the bill on page 16, line 30 by deleting the figure "450,064,276" and inserting in lieu thereof the figure "452,713,739".

**AMENDMENT ADOPTED**

And the amendment #4 was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-89

The question was then on the adoption of the amendment #5 reported by the Standing Committee on Ways and Means to the bill, H. 300, as amended, said committee amendment being as follows:

Amend H. 300 As Substituted on Page 44 by deleting lines 3 and 4 in their entirety and inserting in lieu thereof the following: "act or as may be required by law. After the transfer of funds from the local board to cover all state- provided fringe benefits to the child nutrition program, the cost of fringe benefits shall be paid as provided by law."

### AMENDMENT ADOPTED

And the amendment #5 was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-92

### AMENDMENT OFFERED

Representative Fuller offered the following amendment #1 to the bill, H. 300, as amended:

Amend H. 300 as substituted on page 39 by deleting lines 6 through 10 in their entirety.

### AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 75; Nays 11.



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Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Dean, Drake, Flowers, Ford, Fuller, Gaines, Gaston, Graham, Guin, Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (T), Penry, Perdue, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-75

Nay:

Representatives Collins, Dolbare, Galliher, Gipson, Hall (A), Hinshaw, Jorgensen, Layson, Payne, Petelos and Smith.

-11

**AMENDMENT OFFERED**

Representative Fuller offered the following amendment #2 to the bill, H. 300, as amended:

Amend H. 300 as substituted on page 16 after line 14 by inserting the following language: "Alabama Teachers desiring to take the examination shall apply for funding. A panel consisting of the State Superintendent of Education, the Executive Secretary of the Alabama Education Association, and the Dean of the College of Education of Auburn University, Alabama A&M University, Alabama State, and the University of Alabama (or their designees) shall review and screen the applicants and choose the recipients."

**AMENDMENT ADOPTED**

And the amendment #2 was adopted.

Yeas 79; Nays 4.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R),

Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White and Willis.

-79

Nay:

Representatives Carns, McKee, Payne and Sims.

- 4

### AMENDMENT OFFERED

Representatives Graham and Drake offered the following amendment to the bill, H. 300, as amended:

On page 4, delete lines 20 to 24 in their entirety.

On page 5, on lines 20 and 21 delete in each instance the figure "13,345,726" and insert in lieu thereof: 1,048,595

On page 11, between lines 13 and 14 insert the following:

12A. Education, State Board of -- Two  
Year College System:

Fund Sources Included  
In Appropriation Total

ETF	Earmarked Funds	Appropriation Total
12,297,131		12,297,131

This appropriation shall be used exclusively for a four percent cost-of-living salary increase for Two-Year College System employees as prescribed by law.

### AMENDMENT TABLED

On motion of Representative Turner, the amendment offered by Representatives Graham and Drake to the bill, H. 300, as amended, was tabled.

Yeas 54; Nays 33.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Crigler, Curry, Dean, Flowers, Ford, Fuller, Gaines, Gaston, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E), Knight (A), Knight (J), Lindsey, McAdory, McKee, McMillan, Moore, Newton (C), Newton (D), Papucci, Parker (T), Penry, Perdue, Petelos, Pringle, Rogers (J), Sanderford, Sanderson, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham and Venable.

-54

Nay:

Representatives Bandy, Black (L), Buskey, Clark (W), Collins, Dolbare, Drake, Dukes, Galliher, Gipson, Graham, Guin, Hall (L), Johnson (R), Maull, McClammy, McDaniel, Morrison, Murphree, Page, Parker (P), Payne, Robinson, Rogers (M), Seibenhener, Sims, Smith, Thomas (J), Vance, Warren, White, Willis and Wren.

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### **PERMISSION GRANTED**

Permission was granted for the Journal to reflect that Representative Morrow abstained from voting on the amendment offered by Representatives Graham and Drake to the bill, H. 300, as amended, due to a possible conflict of interest.

### **AMENDMENT OFFERED**

Representative Parker (T) offered the following amendment to the bill, H. 300, as amended:

Amend H. 300 as substituted on page 45 after line 20 by adding a new Section 14 and renumbering as follows: "Section 14. It is the intent of the Legislature that the Alabama Department of Education shall conduct a performance evaluation of the state's In-service Centers. This evaluation shall be in the form of an end-user survey designed to determine each Center's ability to service the Professional Development needs of the teachers and administrators in each school district. It is the further intent of the Legislature that information gathered in this evaluation shall include the responses of each local superintendent of education as well as teachers and principals. A report summarizing the results of this performance evaluation shall be submitted to the Chairman of the Ways and Means Committee and the Chairman of Finance and Taxation-Education Committee and to the Permanent Joint Legislative Committee on Finances and Budgets at least 60 days prior to the 1997 Regular Session. The performance evaluation provided for in this section shall include the expenditure of all professional development funds including the funds administered through the Foundation Program."

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-92

**AMENDMENT OFFERED**

Representative Thomas (D) offered the following amendment to the bill, H. 300, as amended:

Amend H. 300 on page 9, at the end of line 29, by inserting the following: "The above appropriation to the State Board of Education for Postsecondary Prison Education shall be used to provide G.E.D. preparation, basic academic courses, and vocational training and shall not be used to provide credit courses toward a college degree."

**AMENDMENT TABLED**

On motion of Representative Kennedy, the amendment offered by Representative Thomas (D) to the bill, H. 300, as amended, was tabled.

Yeas 46; Nays 37.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Ford, Fuller, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Kennedy, Knight (J), Lindsey, Maull, McAdory, McDaniel, Melton, Morrow, Murphree,

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Papucci, Parker (P), Penry, Rogers (J), Sanderford, Smith, Spratt, Thomas (J), Turner, Vance, Venable, Warren and White.

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Nay:

Representatives Black (M), Carns, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Haney, Hill, Hooper, Johnson (R), Knight (A), McKee, McMillan, Mitchell, Moore, Morrison, Morton, Newton (C), Payne, Petelos, Pringle, Rogers (M), Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Turnham and Wren.

-37

**AMENDMENT OFFERED**

Representative Parker (P) offered the following amendment to the bill, H. 300, as amended:

Amend H. 300 as substituted on page 8, line 2 by striking "9.23%" and inserting in lieu thereof "9.79%".

Further amend the bill on page 45 after line 15 by adding the following new Section 13 and renumbering the remaining sections accordingly:

"Section 13. It is the intent of the Legislature that .56% of the employer rate paid to the Teachers' Retirement System for the fiscal year ending September 30, 1997 is to be used to fund the cost-of-living increase authorized in House Bill 389 or Senate Bill 251 during the 1996 Regular Session of the Legislature."

**MOTION TO TABLE LOST**

The motion offered by Representative Fuller to table the amendment offered by Representative Parker (P) to the bill, H. 300, as amended, was lost.

Yeas 41; Nays 43.

Yea:

Mr. Speaker, Allen, Bandy, Burke, Carns, Carothers, Carter, Clouse, Crigler, Curry, Dean, Flowers, Fuller, Gaston, Hammett, Haney, Hawkins, Johnson (E), Johnson (R), Kennedy, Knight (J), Maull, McMillan, Melton, Moore, Newton (C), Newton (D), Penry, Pringle, Reed, Rogers (J), Sanderson, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Venable, Warren and Wren.

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Nay:

Representatives Black (L), Black (M), Buskey, Clark (W), Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hawk, Hayden, Hill, Hinshaw, Hooper, Houston, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, Millican, Morrison, Morrow, Murphree, Page, Papucci, Parker (P), Payne, Petelos, Robinson, Sanderford, Seibenhener, Sims, Smith and Vance.

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### AMENDMENT TABLED

The question was then on the adoption of the amendment offered by Representative Parker (P) to the bill, H. 300, as amended, and on motion of Representative Turner, the amendment was tabled.

Yeas 52; Nays 35.

Nay:

Mr. Speaker, Allen, Bandy, Black (M), Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Flowers, Fuller, Gaston, Hammett, Haney, Hawkins, Hilliard, Hogan, Johnson (E), Johnson (R), Kennedy, Knight (J), Layson, Lindsey, Maull, McClammy, McKee, McMillan, Melton, Mitchell, Moore, Newton (C), Newton (D), Penry, Pringle, Reed, Rogers (J), Sanderson, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Wren.

-52

Nay:

Representatives Black (L), Buskey, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hawk, Hayden, Hill, Hinshaw, Houston, Knight (A), Laird, McAdory, McDaniel, Millican, Morrison, Morrow, Murphree, Page, Papucci, Parker (P), Payne, Robinson, Sanderford, Seibenhener, Sims, Smith and Thomas (D).

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### MOTION TO REMOVE FROM TABLE LOST

Having voted on the prevailing side by which the amendment offered by Representatives Graham and Drake to the bill, H. 300, as amended, was tabled, Representative Papucci offered the motion to remove the amendment from the table, and the motion was lost.

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Yeas 25; Nays 62.

Yea:

Representatives Black (L), Buskey, Drake, Dukes, Ford, Galliher, Gipson, Graham, Hall (L), Hawk, Hinshaw, Laird, McDaniel, Mitchell, Morrison, Papucci, Parker (P), Payne, Rogers (M), Seibenhener, Sims, Smith, Townsend, Warren and White.

-25

Nay:

Mr. Speaker, Allen, Bandy, Black (M), Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Flowers, Fuller, Gaines, Gaston, Guin, Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E), Kennedy, Knight (A), Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Melton, Moore, Morton, Murphree, Newton (C), Newton (D), Page, Parker (T), Penry, Perdue, Pringle, Reed, Rogers (J), Sanderson, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable and Wren.

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And the bill:

H. 300. To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and for capital outlay for the fiscal year ending September 30, 1997.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 93; Nays 9.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Gaines, McKee, Mitchell, Moore, Rogers (M), Sanderson, Seibenhener, Sims and Thomas (D).

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### MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 38. To amend Sections 25-4-10 and 25-5-50, Code of Alabama 1975, relating to exclusions from the definition of employment for state unemployment compensation and workers compensation purposes, respectively; to clarify and confirm the Legislature's intent that certain product demonstrators shall be considered self-employed independent contractors for purposes of determining eligibility for state unemployment and workers compensation, and not as employees; and to provide for a retroactive effective date.

McDOWELL LEE  
Secretary

### SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

### SPECIAL ORDER CALENDAR RESUMED

### BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 185, was adopted.

Yeas 96; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake,



Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 185. (With Substitute): To provide a four percent (4%) cost-of-living adjustment for certain public education employees with the beginning of the 1996-97 fiscal year and to continue thereafter; to provide a three percent (3%) cost-of-living adjustment for certain public education employees with the beginning of the 1997-98 fiscal year and to continue thereafter; to require a revision of the state salary matrix for certificated personnel and to require adjustments on local salary schedules to reflect the cost-of-living adjustments provided herein for the fiscal years 1996-97 and 1997-98 and thereafter; to provide that certain salary schedules at two-year colleges shall be upgraded to reflect cost-of-living adjustments for fiscal years 1996-97 and 1997-98; and to establish miscellaneous pay provisions.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To provide a four percent (4%) cost-of-living adjustment for certain public education employees with the beginning of the 1996-97 fiscal year and to continue thereafter; to require a revision of the state salary matrix for certificated personnel and to require adjustments on local salary schedules to reflect the cost-of-living adjustment provided herein for the fiscal year 1996-97 and thereafter; and to establish miscellaneous pay provisions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The State Budget Officer shall allocate to the State Board of Education, the Board of Trustees of the Alabama Institute for Deaf and Blind, the

Board of Youth Services Department District, the Alabama School of Fine Arts, and the Alabama School of Mathematics and Science, for disbursement to the employees thereof funds based on the following criteria. It is not the intent of the Legislature to make an appropriation in this act.

(a) **Certificated Personnel (K-12).** For the fiscal year beginning October 1, 1996, and each year thereafter, each cell on the state salary matrix contained in the annual budget act for the public schools shall be increased by four percent (4%) in addition to the amounts contained in the 1995-96 annual budget act as required and provided by Acts 95-313 and 95-314 and as contained in Section 16-6B-8 and Section 16-13-231, Code of Alabama 1975, as amended. If the increases in the state salary matrix required in this subsection do not guarantee at least an increase in pay for each teacher in the amount of four percent (4%), then the teacher shall be guaranteed a pay increase in the amount of four percent (4%) for fiscal year 1996-97 and such pay increase shall be reflected in the appropriate local salary schedule and paid to each certificated employee, excepting superintendents of education. Each certificated employee shall be properly placed on the state salary matrix according to degree earned and years of public education service (either in-state or out-of-state). The employee shall be paid according to degree earned and the length of public education experience. The local board of education shall transmit to the State Department of Education the appropriate notice of the earned advanced degree for each employee in a timely fashion; thereafter, the employee shall be paid for the advanced degree as soon as the degree is certified to the State Department of Education as being earned.

(b) **Education Support Personnel (K-12).** A four percent (4%) salary increase shall be paid to each public education support worker and adult bus driver employed for the fiscal year 1996-97 in addition to the salary received during the 1995-96 fiscal year, except employees covered under the state's merit system at the Department of Youth Services District. Each board of education shall establish and maintain a salary schedule for each class and type of employee and each step of each salary schedule shall be increased to reflect a four percent (4%) pay increase which shall be given to the person employed for the 1996-97 fiscal year and each year thereafter. No state-provided fringe benefits for any lunchroom worker shall be paid from lunchroom sales or from any other aspect of the Child Nutrition Program. Salary increases provided herein and state-provided fringe benefits are funded from the annual Education Trust Fund appropriation in the Foundation Program. Each local board of education shall transfer from the Foundation Program to the local Child Nutrition Fund sufficient monies to pay the full cost of the salary increase provided herein along with sufficient monies to pay previously granted pay increases and the full cost of any state-provided fringe benefits for all child nutrition workers at the rates provided in the annual Education Trust Fund appropriation act or as may be required by law. The Child Nutrition Fund shall then pay the costs of any fringe benefits as provided by law.

(c) **AIDB.** A four percent (4%) salary increase shall be given to each person employed by the Alabama Institute for Deaf and Blind for the fiscal year 1996-97 in addition to the salary received during the 1995-96 fiscal year. The board shall

establish and maintain a salary schedule for each class and type of employee and each step of each salary schedule shall be increased to reflect a four percent (4%) pay increase which shall be paid to the person employed for the 1996-97 fiscal year and each year thereafter.

Section 2. The following provisions are hereby established:

(a) Fiscal Year. All salaries and salary increases which are established by the Legislature or authorized by the State Board of Education shall be paid in full to each person employed before the end of the applicable fiscal year as defined in Section 16-1-1, Code of Alabama 1975, as amended.

(b) Extended Work. Employees on contracts which extend beyond 180 days shall be given a pro rata salary increment for each day or partial day of work extending beyond 180 days.

(c) Local Increment. Any cost-of-living adjustment and/or increase on the state salary matrix provided for in this act shall be exclusive of any local pay increase granted or due to the employee under provisions of the the local Salary Schedule.

(d) Reduced Pay. No employee shall be dismissed or have his or her work hours reduced or extended or have his or her salary reduced due to the provisions of any pay raise mandated by the Legislature or by the State Board of Education.

(e) Hold Harmless. Notwithstanding any provision of Section 16-13-234, Code of Alabama 1975, to the contrary, for purposes of calculating the hold harmless allowance for any local board of education for fiscal year 1996-97 and each fiscal year thereafter, there shall be added to each local board's base amount as defined in Section 16-13-234(b) the cost of any pay increase, including any cost-of-living adjustment for retirees, granted by the Legislature.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### **SUBSTITUTE TO SUBSTITUTE OFFERED**

Representative Haney offered the following substitute to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 185:

To provide a three percent (3%) cost-of-living adjustment for certain public education employees with the beginning of the 1996-97 fiscal year and to continue thereafter; to require a revision of the state salary matrix for certificated personnel and to require adjustments on local salary schedules to reflect the cost-of-living adjustment provided herein for the fiscal year 1996-97 and thereafter; to provide that certain salary schedules at two-year colleges shall be upgraded to reflect cost-of-living adjustment for fiscal year 1996-97; and to establish miscellaneous pay provisions.

To provide a cost of living increase in pension benefits to certain members and certain beneficiaries of members of the teachers' and employees' retirement systems; to provide for the funding for the increase; and to provide that no person shall be entitled to receive the increase in benefits granted in this act if receipt of the increase would jeopardize the eligibility of a person to receive Medicaid benefits.

### **SUBSTITUTE TO SUBSTITUTE TABLED**

On motion of Representative Fuller, the substitute offered by Representative Haney to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 185, was tabled.

Yeas 64; Nays 25.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Galliher, Gipson, Graham, Guin, Hall (A), Hawk, Hayden, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Morrison, Morrow, Murphree, Newton (D), Page, Papucci, Parker (P), Penry, Perdue, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Smith, Spratt, Starkey, Thomas (J), Turnham, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representatives Allen, Carns, Ford, Gaines, Hamilton, Haney, Hill, Knight (A), Laird, Layson, McKee, McMillan, Mitchell, Moore, Newton (C), Parker (T), Payne, Petelos, Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend and White.

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**SUBSTITUTE ADOPTED**

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, and the committee substitute was adopted.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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**AMENDMENT OFFERED**

Representative Turnham offered the following amendment to the bill, H. 185, as amended:

Amend H. 185 as substituted on page 5, after line 25 by inserting the following and renumbering the remaining subsections accordingly:

"(f) Adult Basic Education. All adult basic education program employees shall be given the cost-of-living adjustment increase provided for by this act. The local board of education shall transfer to the adult basic education fund sufficient monies to pay the full cost of the salary increase provided in."

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 97; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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#### AMENDMENT OFFERED

Representative Galliher offered the following amendment to the bill, H. 185, as amended:

On page 4, line 22, add the following new Section 2 and renumber the remaining sections accordingly:

Section 2. A four percent (4%) salary increase shall be paid to each public education employee of a two-year institution of higher education, for the fiscal year 1996-1997, and each fiscal year thereafter.

#### AMENDMENT TABLED

On motion of Representative Fuller, the amendment offered by Representative Galliher to the bill, H. 185, as amended, was tabled.

Yeas 62; Nays 23.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Buskey, Carns, Carothers, Carter, Clouse, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Fuller, Gaines, Gaston, Gipson, Guin, Hamilton, Haney, Hayden, Hilliard, Houston, Johnson (E), Johnson (R), Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Melton, Moore, Morton, Murphree, Newton (C), Newton (D), Parker (T), Penry, Perdue, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable and Wren.

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Nay:

Representatives Dukes, Ford, Galliher, Graham, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, McDaniel, Mitchell, Morrison, Page, Papucci, Parker (P), Payne, Petelos, Sims, Townsend, Warren, White and Willis.

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**AMENDMENT OFFERED**

Representative Townsend offered the following amendment to the bill, H. 185, as amended:

Amend H. 185 as substituted on page 5, after line 25 by inserting the following and renumbering the remaining subsections accordingly:

"(f) Each Local Board of Education shall have the option to exclude from State mandated raises any Community Education or school sponsored child care or child enrichment program which is supplemental to the regular K-12 program required by the State (e.g. Extended-Day, Pre-school and Summer enrichment Programs)."

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 45; Nays 10.

Yea:

Representatives Allen, Burke, Carns, Carter, Clouse, Curry, Dolbare, Dukes, Ford, Gaines, Guin, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Knight (A), Laird, McAdory, McDaniel, McKee, McMillan, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (J), Townsend, Willis and Wren.

-45

Nay:

Representatives Baker, Fuller, Johnson (E), Kennedy, Knight (J), McClammy, Morrison, Newton (D), Page and Vance.

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**AMENDMENT OFFERED**

Representative Seibenhener offered the following amendment to the bill, H. 185, as amended:

On page 4, after line 22, insert the following:

(d) The provisions of subsections (a), (b), and (c) shall not apply to persons earning an annual salary of \$50,000 or more from the employers specified in these subsections.

**AMENDMENT TABLED**

On motion of Representative Fuller, the amendment offered by Representative Seibenhener to the bill, H. 185, as amended, was tabled.

Yeas 45; Nays 18.

Yea:

Mr. Speaker, Allen, Black (L), Box, Burke, Buskey, Carter, Clark (W), Curry, Ford, Fuller, Galliher, Graham, Guin, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Kennedy, Knight (J), Lindsey, Maul, McAdory, McClammy, Melton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Petelos, Rogers (J), Sanderson, Smith, Spratt, Starkey, Turner, Turnham, Vance, Venable, Warren and Willis.

-45

Nay:

Representatives Baker, Carns, Clouse, Dolbare, Gipson, Hall (A), Haney, Layson, McKee, Mitchell, Moore, Morrison, Morrow, Rogers (M), Sanderford, Seibenhener, Sims and Townsend.

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**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:



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H. 300. To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and for capital outlay for the fiscal year ending September 30, 1997.

**TOMMY CARTER**  
Chairman

And the bill, H. 300, as engrossed, was ordered sent to the Senate.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 256. COMMENDING G. P. BRIDWELL, DIRECTOR OF NASA'S MARSHALL SPACE FLIGHT CENTER, FOR DISTINGUISHED SERVICE.

Also:

H.J.R. 261. MOURNING THE DEATH OF JOE M. YOUNG OF BRUNDIDGE, ALABAMA.

Also:

H.J.R. 262. RECOGNIZING AUGUST 9, 1996, AS AGRICULTURE TEACHERS' DAY IN ALABAMA.

Also:

H.J.R. 269. RECOGNIZING THE SISTER CITIES AGREEMENT BETWEEN THE CITY OF CULLMAN AND THE COMMUNITY OF FRANKWEILER ON THE WEINTRABE, GERMANY.

Also:

H.J.R. 272. COMMENDING CHRISTOPHER PHILLIP STEPHENS ON OBTAINING THE RANK OF EAGLE SCOUT.

**McDOWELL LEE**  
Secretary

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 241. COMMENDING THE ALL-ALABAMA ACADEMIC TEAM.

Also:

H.J.R. 244. RECOGNIZING THE INDEPENDENT INSURANCE AGENTS OF AMERICA, INC., FOR ITS OUTSTANDING CONTRIBUTIONS.

Also:

H.J.R. 253. COMMENDING THE CENTRAL HIGH SCHOOL LADY FALCONS ON THEIR CLASS 6A FINAL FOUR CHAMPIONSHIP.

Also:

H.J.R. 254. COMMENDING THE HOLTVILLE HIGH SCHOOL BOYS BASKETBALL TEAM, AND DESIGNATING APRIL 26, 1996, AS HOLTVILLE HIGH SCHOOL BULLDOG DAY IN THE STATE OF ALABAMA.

Also:

H.J.R. 255. COMMENDING JAMES A. FINDLEY AND DESIGNATING APRIL 26, 1996, AS JAMES A. FINDLEY DAY IN THE STATE OF ALABAMA.

McDOWELL LEE  
Secretary

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 204. COMMENDING NATHAN HOLCOMB OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 205. COMMENDING LAVARRIE HARBIN OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

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Also:

H.J.R. 206. COMMENDING WILLIE J. SLATER, ASSISTANT COACH, OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 207. COMMENDING REGINALD REFFIN OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 208. MOURNING THE DEATH OF WILLIS MOORE OF HUNTSVILLE, ALABAMA.

Also:

H.J.R. 209. COMMENDING THE REVEREND PHILLIP V. RUSHING FOR DEDICATED CHRISTIAN SERVICE.

McDOWELL LEE  
Secretary

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 128. EXPRESSING LEGISLATIVE INTENT IN ACT NO. 95-395, H. 149 OF THE 1995 REGULAR SESSION, PROVIDING ALTERNATIVE ADVERTISING PROCEDURES FOR ADOPTING MUNICIPAL ZONING ORDINANCES.

Also:

H.J.R. 183. RECOGNIZING CARROLLTON BAPTIST CHURCH IN PICKENS COUNTY, ALABAMA, ON THE OCCASION OF ITS SESQUICENTENNIAL CELEBRATION, MAY 19, 1996.

Also:

H.J.R. 184. COMMENDING LOUIS PIZITZ MIDDLE SCHOOL, VESTAVIA HILLS, AS RECIPIENT OF THE NATIONAL BLUE RIBBON OF EXCELLENCE AWARD.

Also:

H.J.R. 185. WELCOMING THE DOUBLE OO RIDERS ASSOCIATION OF MICHIGAN TO ALABAMA.

Also:

H.J.R. 201. MOURNING THE DEATH OF COLONEL DONALD H. JERSEY.

Also:

H.J.R. 202. MOURNING THE DEATH OF LOLA B. SANFORD OF BOAZ, ALABAMA.

McDOWELL LEE  
Secretary

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 21. RECOGNIZING MIDLAND CITY BAPTIST CHURCH ON ITS FIRST 100 YEARS OF CHRISTIAN SERVICE.

Also:

H.J.R. 158. COMMENDING THE BIRMINGHAM POST-HERALD ON SPONSORING THE DISTINGUISHED TEACHER AWARD.

Also:

H.J.R. 163. DESIGNATING ARBOR WEEK IN THE STATE OF ALABAMA ON FEBRUARY 18-24, 1996.

Also:

H.J.R. 179. COMMENDING THE CENTRAL OF TUSCALOOSA HIGH SCHOOL FOOTBALL TEAM ON ITS 6-A STATE FOOTBALL CHAMPIONSHIP.

Also:

H.J.R. 180. COMMENDING THE PARALYZED VETERANS OF AMERICA MID-SOUTH CHAPTER.

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Also:

H.J.R. 181. COMMENDING H. THOMAS PRAYTOR, III, FOR OUTSTANDING COMMUNITY SERVICE AND PROFESSIONAL ACHIEVEMENT.

Also:

H.J.R. 182. COMMENDING DR. THRATH CURRY OF CARROLLTON, ALABAMA.

McDOWELL LEE  
Secretary

**H. 185 RESUMED**

And the bill:

H. 185. To provide a four percent (4%) cost-of-living adjustment for certain public education employees with the beginning of the 1996-97 fiscal year and to continue thereafter; to require a revision of the state salary matrix for certificated personnel and to require adjustments on local salary schedules to reflect the cost-of-living adjustment provided herein for the fiscal year 1996-97 and thereafter; and to establish miscellaneous pay provisions.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 95; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hamilton, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

Nay:

Representative Haney.

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### RESOLUTIONS

The following resolutions were introduced:

By Representative Fuller:

H.J.R. 286. DECLARING AN EMERGENCY IN REGARD TO FUNDING FROM THE EDUCATION TRUST FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1997.

WHEREAS, the Legislature hereby determines pursuant to Act 88-981 that an emergency exists in regard to funding from the Alabama Special Educational Trust Fund:

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That the sum of \$16,000,000 shall be withdrawn from the Proration Prevention Account and shall be transferred to the Education Trust Fund on or after October 1, 1996, to be available for appropriation by the Legislature for the fiscal year ending September 30, 1997.

BE IT FURTHER RESOLVED, That this resolution shall become effective immediately upon its passage by the Legislature and approval by the Governor or upon its otherwise becoming a law.

On motion of Representative Fuller, the rules were suspended and the resolution, H.J.R. 286, was adopted.

Also:

By Representative Page:

H.J.R. 287. COMMENDING ROY H. LADD, SR., FOR OUTSTANDING CONTRIBUTIONS TO THE YOUTH OF OUR STATE AND NATION.

WHEREAS, it is with greatest pleasure that the Alabama Legislature recognizes Mr. Roy H. Ladd, Sr., for his longtime dedicated service to the youth of our state and nation; and

WHEREAS, for some 50 years, Roy H. Ladd has played an invaluable role in molding the lives of countless young scouts in the noble and time-honored traditions of the Boy Scout program, and contributed immeasurably toward the

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development of those positive qualities of character and citizenship which reflect the highest ideals of scouting; and

WHEREAS, he has organized troops across Alabama, in Ider, Tenbrook, Anniston, and Gadsden, including, presently, Troop 95 of the Forrest Avenue Baptist Church in Gadsden, Alabama--and even some beyond, in Kingville, Louisiana; College Park, Georgia; and Farmington, West Virginia; and

WHEREAS, he has served in numerous capacities, including Scoutmaster, Assistant Scoutmaster, and Troop Committee Chairman, to name a few, and was a State Deputy for Rural Scouting in 1924; and

WHEREAS, born in 1910, Mr. Ladd entered scouting at the age of 15 as a Lone Star Scout and, over the years, was an Ink Slinger Mail Tribe, a Region 5 Yearbook Editor for the year 1930, and amassed such honors and awards as Gold Quill, District Arrow Head, and Silver Beaver, among others; and

WHEREAS, married at the age of 40, he and his devoted wife of 45 years, Juanita Ladd, are the proud parents of five children, and have six grandsons and four granddaughters; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his long and honorable service to scouting, and to our youth, we hereby most highly commend Mr. Roy H. Ladd, Sr., and direct that he receive a copy of this resolution as a token of our gratitude and esteem.

On motion of Representative Page, the rules were suspended and the resolution, H.J.R. 287, was adopted.

Also:

By Rules Committee:

H.R. 288. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the thirteenth legislative day, Wednesday, March 20, 1996, taking precedence over the regular order of business or any pending or unfinished business and continuing on subsequent legislative days until such time as said bills are disposed of:

And the Following bills:

Inst Id	Page
H. 556 - By Fuller	106
Youth Services Dept., approp.	

H. 341 - By Fuller (As Substituted)	106
Youth Services Dept., approp.	
H. 513 - By Burke	110
Board of Ed., state, approp.	
H. 302 - By Curry (As Substituted)	107
United Cerebral Palsy of Alabama, United Cerebral Palsy Dev. Center, United Cerebral Palsy, Huntsville, Mobile; Cerebral Palsy Housing Foundation, Simpson-May Cerebral Palsy Center, approp.	
H. 313 - By Kennedy (As Substituted)	107
AIDS Task Force of Alabama, Inc., approp.	
H. 343 - By Haney (As Substituted)	108
Epilepsy Foundation of Alabama, approp.	
H. 316 - By Fuller (As Substituted)	108
Health Dept., approp.	
H. 331 - By Fuller (As Substituted)	109
Helen Keller Eye Research Foundation, approp.	
H. 320 - By Kennedy (As Substituted)	109
Children's and Women's Hospital, Mobile, approp.	
H. 175 - By Burke	110
Health Dept., approp.	
H. 683 - By Fuller (As Substituted)	111
Southwest School for Deaf and Blind, approp.	
H. 338 - By Fuller (As Substituted)	111
Children's Hospital, Birmingham, approp.	
H. 329 - By Fuller (As Substituted)	112



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Rehabilitation Services Dept., approp.

H. 327 - By Fuller (As Substituted) 113

Sickle Cell Education Program, approp.

H. 324 - By Fuller (As Substituted) 114

East Alabama Child Development Center, approp.

H. 157 - By Fuller 105

Board of Education, supp. approp. to Sara Dinsmore ARC  
Training Facility, Coffee County Board of Ed., Project Inde-  
pendence

On motion of Representative Carter, the resolution, H.R. 288, was adopted.

**SPECIAL ORDER CALENDAR**

The House then proceeded with the consideration of the Special Order Calendar.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 556, was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

And the bill:

H. 556. To make a supplemental appropriation of \$3,450,000 to the Department of Youth Services from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1996.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

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### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 341, was adopted.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

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And the bill:

H. 341. (With Substitute): To make an appropriation of \$47,408,615 from the Education Trust Fund and an appropriation of \$685,665 from Federal and Local Funds to the Department of Youth Services for the fiscal year ending September 30, 1997.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To make an appropriation of \$35,908,615 from the Education Trust Fund and an appropriation of \$685,665 from Federal and Local Funds to the Department of Youth Services for the fiscal year ending September 30, 1997.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated to the Department of Youth Services for the fiscal year ending September 30, 1997, the following amounts from the Education Trust Fund (ETF) and Federal and Local Funds:

	ETF	Federal and Local Funds	Total
YOUTH SERVICES, DEPARTMENT OF:			
(a) Youth Services Program.....			36,594,280
SOURCE OF FUNDS:			
(1) ETF.....	35,908,615		
(2) Federal and Local Funds.....		685,665	
Total Department of Youth Services.....	35,908,615	685,665	36,594,280

Section 2. The above appropriation is made for educational purposes which shall include but shall not be limited to providing social and educational services plus facilities to youth referred to the program and providing for the education of such individuals including educating youth to turn away from a life of crime.

Section 3. The Department of Youth Services is hereby authorized to make a transfer to the State Personnel Department in the amount authorized in the General Appropriation Bill for fiscal year 1996-97.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective on October 1, 1996.

### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 341. To make an appropriation of \$35,908,615 from the Education Trust Fund and an appropriation of \$685,665 from Federal and Local Funds to the Department of Youth Services for the fiscal year ending September 30, 1997.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin,

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Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Burke, the Budget Isolation Resolution relating to the bill, H. 513, was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 513. To make an appropriation of \$2,409,081 from the Education Trust Fund to the State Board of Education for the support and maintenance of special programs for special education for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren, White, Willis and Wren.

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#### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Curry, the Budget Isolation Resolution relating to the bill, H. 302, was adopted.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 302. (With Substitute): To make an appropriation of \$1,049,579 from the Education Trust Fund for the support and maintenance of the cerebral palsy education program for the year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To make an appropriation of \$1,049,579 from the Education Trust Fund for the support and maintenance of the cerebral palsy education program for the year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1997, the sum of \$1,049,579, from the Education Trust Fund for the support and maintenance of the cerebral palsy education program to be allocated as follows:

(a)	United Cerebral Palsy of Alabama, Inc.....	\$500,000
(b)	United Cerebral Palsy Development Center for East Central Alabama.....	\$142,000
(c)	Simpson-May Cerebral Palsy Center.....	\$142,000
(d)	Cerebral Palsy Housing Foundation.....	\$50,000
(e)	United Cerebral Palsy of Huntsville and Tennessee Valley, Inc.....	\$40,000
(f)	United Cerebral Palsy of Mobile, Inc.....	\$75,579
(g)	United Cerebral Palsy of West Alabama, Inc.....	\$25,000
(h)	United Cerebral Palsy of Alabama, Inc. for Etowah County.....	\$50,000
(i)	United Cerebral Palsy of Northwest Alabama.....	\$25,000

In addition, the appropriations made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1996-97, an operations plan for fiscal year 1996-97 and an audited financial statement for all operations during fiscal year 1994-95 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1996-97 funds following receipt of these reports.

Section 3. This Act shall become effective October 1, 1996.

### SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-93

And the bill:

H. 302. To make an appropriation of \$1,049,579 from the Education Trust Fund for the support and maintenance of the cerebral palsy education program for the year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Kennedy, the Budget Isolation Resolution relating to the bill, H. 313, was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 313. (With Substitute): To make an appropriation of \$295,305 from the Education Trust Fund and \$52,500 from the State General Fund to the AIDS Task Force of Alabama, Incorporated, for the fiscal year ending September 30, 1997, for educational programs and services to help prevent the spread of AIDS and to require an operations plan and an audited financial statement.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

**A BILL  
TO BE ENTITLED  
AN ACT**

To make an appropriation of \$295,305 from the Education Trust Fund and \$52,500 from the State General Fund to the AIDS Task Force of Alabama, Incorporated, for the fiscal year ending September 30, 1997, for educational programs and services to help prevent the spread of AIDS and to require an operations plan and an audited financial statement.

## BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1997, the sum of \$295,305 from the Education Trust Fund and \$52,500 from the State General Fund to the AIDS Task Force of Alabama, Incorporated, for educational programs and services to help prevent the spread of AIDS. Funds appropriated herein are for disbursement to the various AIDS prevention community-based organizations in Alabama according to a plan to be developed by the Board of Directors of the AIDS Task Force of Alabama, Incorporated. In addition, the appropriations made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to the release of any funds appropriated herein, an audited financial statement for all operations during fiscal year 1994-95 must be forwarded to the Director of Finance and an operations plan for fiscal year 1996-97 must be developed by the Board of Directors of the AIDS Task Force of Alabama, Incorporated, submitted to and approved by the State Health Department and the HIV Education Advisory Board and then forwarded to the Director of Finance. It is the intent to release fiscal year 1996-97 funds following receipt of these reports.

Section 3. It is the intent of the legislature that the state Medicaid Commissioner should work with the AIDS Task Force of Alabama, Incorporated, in applying for federal matching dollars for part of the appropriation contained in this act.

Section 4. The HIV Education Advisory Board shall consist of six members as follows: the state health officer or his designee; one assistant state health officer appointed by the state health officer; one physician appointed by the Infectious Disease Society of Alabama who is selected from a list of physicians who routinely treat HIV infection; two representatives appointed by the American Red Cross of which one must be a health educator; and, the Chairperson of the AIDS Task Force of Alabama community-based organization committee.

Section 5. This act shall become effective on October 1, 1996.

**SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Collins, Crigler, Curry, Dean, Dolbare, Drake,

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Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-88

And the bill:

H. 313. To make an appropriation of \$295,305 from the Education Trust Fund and \$52,500 from the State General Fund to the AIDS Task Force of Alabama, Incorporated, for the fiscal year ending September 30, 1997, for educational programs and services to help prevent the spread of AIDS and to require an operations plan and an audited financial statement.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Haney, the Budget Isolation Resolution relating to the bill, H. 343, was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-91

And the bill:

H. 343. (With Substitute): To make an appropriation of \$100,000 from the Education Trust Fund to the Epilepsy Foundation of North and Central Alabama for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To make an appropriation of \$100,000 from the Education Trust Fund to the Epilepsy Foundation of North and Central Alabama for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1997, the sum of \$100,000 to the Epilepsy Foundation of North and Central Alabama from the Education Trust Fund for support and maintenance of said program. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1996-97, an operations plan for fiscal year 1996-97 and an audited financial statement for all operations during fiscal year 1994-95 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1996-97 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1996.

**SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-91

And the bill:

H. 343. To make an appropriation of \$100,000 from the Education Trust Fund to the Epilepsy Foundation of North and Central Alabama for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 91; Nays 3.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper,

Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-91

Nay:

Representatives Dolbare, Gipson and Seibenhener.

- 3

### **MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Fuller, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 450.

### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Graham, the Budget Isolation Resolution relating to the bill, H. 450, was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Collins, Curry, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 450. To make a supplemental appropriation of \$10,000 to the State Department of Education for Project Citizen from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1996.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Curry, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-89

Nay:

Representative Seibenhener.

- 1

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 316, was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Drake, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan,

Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-89

And the bill:

H. 316. (With Substitute): To make an appropriation to the Department of Public Health from the Education Trust Fund in the amount of \$14,371,144 for the fiscal year ending September 30, 1997, and to make a conditional appropriation to the Department of Public Health in the amount of \$2,195,342 from the Education Trust Fund for the fiscal year ending September 30, 1997, for educational purposes.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To make an appropriation to the Department of Public Health from the Education Trust Fund in the amount of \$10,521,144 for the fiscal year ending September 30, 1997, and to make a conditional appropriation to the Department of Public Health in the amount of \$2,195,342 from the Education Trust Fund for the fiscal year ending September 30, 1997, for educational purposes.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated to the Department of Public Health from the Education Trust Fund for the fiscal year ending September 30, 1997, the sum of \$10,521,144 for the following:

(a) Health Support Services Program.....	7,006,907
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The above appropriation shall be expended for the continuation of the programs in Public School Sanitation, licensure and certification, immunization activities at the county level, patient education and child health.



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(b)	Personal Health Services Program.....	2,964,237
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The above appropriation shall be expended for continuation of the programs for immunization of pre-school children and students, dental health, tuberculosis and nursing services.

(c)	Rural Nurses Training Program.....	400,000
-----	---------------------------------------	---------

(d)	Osteoporosis Education Program.....	150,000
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Section 2. The above appropriation is for educational purposes which shall include but not be limited to providing for public school food sanitation, mandated immunization of pre-school children and primary preventive health education.

Section 3. In addition to all other appropriations heretofore or hereafter made there is hereby conditionally appropriated \$2,195,342 to the Department of Public Health from the Education Trust Fund for immunizations for the fiscal year ending September 30, 1997, to be conditioned upon the availability of funds in the Education Trust Fund, the recommendation of the Director of Finance, and the approval of the Governor.

Section 4. The provisions of this act are severable. If any section, paragraph, sentence, clause, provision, or portion of the act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

Section 5. This act shall become effective on October 1, 1996.

**SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-91

And the bill:

H. 316. To make an appropriation to the Department of Public Health from the Education Trust Fund in the amount of \$10,521,144 for the fiscal year ending September 30, 1997, and to make a conditional appropriation to the Department of Public Health in the amount of \$2,195,342 from the Education Trust Fund for the fiscal year ending September 30, 1997, for educational purposes.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-91

#### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 331, was adopted.

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Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McDaniel, McKee, McMillan, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-89

And the bill:

H. 331. (With Substitute): To make an appropriation of \$307,615 from the Education Trust Fund to the Helen Keller Eye Research Foundation for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To make an appropriation of \$307,615 from the Education Trust Fund to the Helen Keller Eye Research Foundation for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1997, the sum of \$307,615 to the Helen Keller Eye Research Foundation from the Education Trust Fund for support and maintenance of said program. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1996-97, an operations plan for fiscal year 1996-97 and an audited financial statement for all operations during fiscal year 1994-95 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1996-97 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1996.

### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-90

And the bill:

H. 331. To make an appropriation of \$307,615 from the Education Trust Fund to the Helen Keller Eye Research Foundation for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 91; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes,

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Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-91

Nay:

Representatives Gipson and Seibenhener.

- 2

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Kennedy, the Budget Isolation Resolution relating to the bill, H. 320, was adopted.

Yeas 82; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Drake, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

-82

And the bill:

H. 320. (With Substitute): To make an appropriation of \$582,793 from the Education Trust Fund to the Children's and Women's Hospital in Mobile, Alabama, for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To make an appropriation of \$682,793 from the Education Trust Fund to the Children's and Women's Hospital in Mobile, Alabama, for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1997, the sum of \$682,793 to the Children's and Women's Hospital in Mobile, Alabama, from the Education Trust Fund for support and maintenance of said program. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year ending September 30, 1997, an operations plan for fiscal year 1996-97 and an audited financial statement for all operations during fiscal year 1994-95 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1996-97 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1996.

**SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 82; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Drake, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Reed, Rogers (J), Rogers (M),

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Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Venable, Warren, Willis and Wren.

-82

And the bill:

H. 320. To make an appropriation of \$682,793 from the Education Trust Fund to the Children's and Women's Hospital in Mobile, Alabama, for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 89; Nays 2.

Yea:

Representatives Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Drake, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

-89

Nay:

Representatives Gipson and Seibenhener.

- 2

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Burke, the Budget Isolation Resolution relating to the bill, H. 175, was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-88

And the bill:

H. 175. To make an appropriation to the Department of Public Health in the amount of \$4,664,831 from the Education Trust Fund for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1997.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 96; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-96



**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 683, was adopted.

Yeas 96; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-96

And the bill:

H. 683. (With Substitute): To make an appropriation of \$366,000 from the Education Trust Fund for the support and maintenance of Southwest School for Deaf and Blind for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To make an appropriation of \$366,000 from the Education Trust Fund for the support and maintenance of Southwest School for Deaf and Blind for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1997, the sum of \$366,000 out of the funds in the Education Trust Fund to be used for the support and maintenance of Southwest School for Deaf and Blind. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1996-97, an operations plan for fiscal year 1996-97 and an audited financial statement for all operations during fiscal year 1994-95 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1996-97 funds following receipt of these reports.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 4. This act shall become effective on October 1, 1996.

### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 96; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-96

And the bill:

H. 683. To make an appropriation of \$366,000 from the Education Trust Fund for the support and maintenance of Southwest School for Deaf and Blind for

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the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 96; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 338, was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-92

And the bill:

H. 338. (With Substitute): To make an appropriation of \$850,000 from the Education Trust Fund to the Children's Hospital in Birmingham, Alabama, for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To make an appropriation of \$950,000 from the Education Trust Fund to the Children's Hospital in Birmingham, Alabama, for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1997, the sum of \$950,000 to the Children's Hospital in Birmingham, Alabama, from the Education Trust Fund for support and maintenance of said program. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year ending September 30, 1997, an operations plan for fiscal year 1996-97 and an audited financial statement for all operations during fiscal year 1994-95 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1996-97 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1996.

**SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 94; Nays 0.

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Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-94

And the bill:

H. 338. To make an appropriation of \$950,000 from the Education Trust Fund to the Children's Hospital in Birmingham, Alabama, for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 99; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representative Seibenhener.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 329, was adopted.

Yeas 97; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-97

And the bill:

H. 329. (With Substitute): To make an appropriation of \$25,262,924 from the Education Trust Fund, an appropriation of \$2,620,000 from the Driver Impaired Trust Fund, and an appropriation of \$88,958,186 from Federal and Local Funds to the Department of Rehabilitation Services for the fiscal year ending September 30, 1997.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To make an appropriation of \$23,262,924 from the Education Trust Fund, an appropriation of \$2,620,000 from the Driver Impaired Trust Fund, and an appropriation of \$88,958,186 from Federal and Local Funds to the Department of Rehabilitation Services for the fiscal year ending September 30, 1997.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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Section 1. There is hereby appropriated to the Department of Rehabilitation Services for the fiscal year ending September 30, 1997, the following amounts from the Education Trust Fund (ETF), the Driver Impaired Trust Fund, and Federal and Local Funds:

REHABILITATION SERVICES, DEPARTMENT OF:

	<u>ETF</u>	<u>Federal and Local Funds</u>	<u>Total</u>
(a) Direct Client Services for the Handicapped Program.....			114,841,110
The proposed spending plan for the ETF moneys included in the above program is as follows:			
Homebound.....	3,071,067		
Hemophilia.....	1,100,000		
Children's Rehabilitation Ser- vices.....	6,570,551		
Of the above appropriation the agency will pay to each hospital the standard per diem paid by the state medicaid agency for services relating to scoliosis and spina bifida medical care.			
Rehabilitation Services.....	9,430,442		
Of the above appropriation to Rehabili- tation Services, \$250,000 shall be used for the Deaf Support Service.			
Early Intervention Program...	3,090,864		
SOURCE OF FUNDS:			
(1) ETF.....	23,262,924		
(2) Driver Impaired Trust Fund.....		2,620,000	
(3) Federal and Local Funds.....		88,958,186	
Total Department of Rehabilitation Services.....	<u>23,262,924</u>	<u>91,578,186</u>	<u>114,841,110</u>

Section 2. The above appropriation is made for educational purposes which shall include but shall not be limited to the following: (a) Providing medical, paramedical, counseling and educational services (instruction in the training of disabled persons) to crippled children and their families. The Legislature recognized the educational nature of such services in Section 16-38-7 of the Code of Alabama 1975; (b) Providing vocational rehabilitation through a state-federal initiative for the purpose of teaching independent living skills in order to return the clients to the workforce; (c) Providing educational services to severely disabled clients which includes academic tutoring, teaching of independent living skills, and providing equipment (wheelchairs and ramps) to allow school-age children to attend school.

Section 3. The Department of Rehabilitation Services is hereby authorized to make a transfer to the State Personnel Department in the amount authorized in the General Appropriation Bill for fiscal year 1996-97.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective on October 1, 1996.

### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 96; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.



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And the bill:

H. 329. To make an appropriation of \$23,262,924 from the Education Trust Fund, an appropriation of \$2,620,000 from the Driver Impaired Trust Fund, and an appropriation of \$88,958,186 from Federal and Local Funds to the Department of Rehabilitation Services for the fiscal year ending September 30, 1997.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 96; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-96

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 327, was adopted.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-93

And the bill:

H. 327. (With Substitute): To make an appropriation of \$1,382,112 from the Education Trust Fund for the support and maintenance of the sickle cell education program for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To make an appropriation of \$1,482,112 from the Education Trust Fund for the support and maintenance of the sickle cell education program for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1997, the sum of \$1,482,112 from the Education Trust Fund for the support and maintenance of the sickle cell education program to be allocated as follows:

(a) North Central Alabama Sickle Cell Foundation, Inc. (formerly known as Jefferson County Sickle Cell Detection Committee, Inc.).....	\$270,420
(b) Sickle Cell Disease Association of Gulf Coast, Alabama.....	\$251,417
(c) Sickle Cell Foundation of Greater Montgomery, Inc.....	\$149,363
(d) Southeast Alabama Sickle Cell Association.....	\$174,565
(e) Tri-County West Central Alabama Sickle Cell Anemia Association, Inc.....	\$111,335
(f) North Alabama Sickle Cell Program.....	\$163,317

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(g) West Alabama Sickle Cell Program.....	\$64,500
(h) Children's Hospital of Birmingham.....	\$48,632
(i) Children's and Women's Hospital - Comprehensive Sickle Cell Center.....	\$243,563
(j) Sickle Cell Oversight and Regulatory Commission.....	\$5,000

In addition, the appropriations made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1996-97, an operations plan for fiscal year 1996-97 and an audited financial statement for all operations during fiscal year 1994-95 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1996-97 funds following receipt of these reports.

Section 3. This act shall become effective October 1, 1996.

**SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

And the bill:

H. 327. To make an appropriation of \$1,482,112 from the Education Trust Fund for the support and maintenance of the sickle cell education program for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 96; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

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### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 324, was adopted.

Yeas 96; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M),

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Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-96

And the bill:

H. 324. (With Substitute): To make an appropriation of \$1,180,196 from the Education Trust Fund to the East Alabama Child Development Center for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To make an appropriation of \$1,180,196 from the Education Trust Fund to the East Alabama Child Development Center for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1997, the sum of \$1,180,196 to the East Alabama Child Development Center from the Education Trust Fund for support and maintenance of said program. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year ending September 30, 1997, an operations plan for fiscal year 1996-97 and an audited financial statement for all operations during fiscal year 1994-95 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1996-97 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1996.

**SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hinshaw, Hogan, Holmes, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-92

And the bill:

H. 324. To make an appropriation of \$1,180,196 from the Education Trust Fund to the East Alabama Child Development Center for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 96; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representative Seibenhener.

- 1

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 157, was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McClammy, McDaniel, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-92

And the bill:

H. 157. To make a supplemental appropriation from the Education Trust Fund in the State Treasury to the State Board of Education for the Sara Dinsmore ARC Training Facility in the amount of \$40,000 and for the Coffee County Board of Education for the support and maintenance of Project Independence in the amount of \$30,000 for the fiscal year ending September 30, 1996.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 97; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A),

Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**S.J.R. 21. COMMENDING J. L. CHESTNUT, JR., ON HIS PAST AND CONTINUING COMMITMENT TO THE CAUSE OF CIVIL RIGHTS.**

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 21.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**S.J.R. 24. COMMENDING JOSEPH MALLISHAM FOR OUTSTANDING SERVICE TO THE TUSCALOOSA COUNTY COMMISSION.**

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 24.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**S.J.R. 40. COMMENDING THE MEEK HIGH SCHOOL LADY TIGER VARSITY BASKETBALL TEAM ON ITS 1996 WINSTON COUNTY CHAMPIONSHIP.**



On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 40.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 41. COMMENDING THE WINSTON COUNTY HIGH SCHOOL VARSITY BOYS BASKETBALL TEAM ON ITS SECOND COUNTY CHAMPIONSHIP.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 41.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 42. DESIGNATING THE BIG NANCE CREEK BRIDGE AS THE "REPRESENTATIVE SAM LETSON BRIDGE."

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 42.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 153. ENCOURAGING STATE HEALTH AND ENVIRONMENTAL AGENCIES TO DEVELOP POLICIES THAT PROTECT ECONOMIC AND LEGAL INTERESTS OF THE PRIVATE ECONOMIC SECTOR.

WHEREAS, many private companies have invested considerable sums in order to ensure compliance with federal laws and regulations and laws and regulations of this state, particularly those pertaining to the environment and occupational safety and health; and

WHEREAS, those laws and regulations are, except as otherwise expressly declared, intended to apply equally to both public and private facility owners and operators; and

WHEREAS, those laws and regulations seek to protect the legitimate interests of both the public sector and the private enterprises that are subject to the mandates contained therein; and

WHEREAS, the failure of enforcement agencies to place private enterprises that compete or which may have the potential to compete with public facilities on a level playing field through the adoption and implementation of equitable enforcement policies would be inconsistent with those laws and regulations and with the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution; and

WHEREAS, such disparities in enforcement would be inconsistent with the world-wide trend toward privatization and the development of public-private partnerships; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature encourages the state environmental and health agencies to develop and consistently implement enforcement policies that ensure that the legitimate economic and legal interests of the private sector, particularly in instances in which the private sector provides or may provide services which are the subject of the enforceable law or regulation, be fully protected.

On motion of Representative Carter, the resolution, H.J.R. 153, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 268. NAMING A PORTION OF U. S. HIGHWAY 43 THE A.W. TODD HIGHWAY.

WHEREAS, A. W. Todd's 40-year tenure of dedicated public service and his incomparable contributions to Alabama's farmers and to agriculture in our state as a member of the Alabama Legislature and, most especially, as Commissioner of Agriculture and Industries for three historic terms are legendary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor of his service to the state, we hereby name and designate that portion of U. S. Highway 43 from the Colbert/Franklin County line to the junction of U. S. Highway 43 and Alabama Highways 5 and 13, near Spruce Pine, Alabama, the A. W. Todd Highway.

BE IT FURTHER RESOLVED, That the Department of Transportation is authorized to erect and maintain appropriate signs for this designation.

On motion of Representative Carter, the resolution, H.J.R. 268, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 15. COMMENDING WILLA ALFORD AS 1995 ALABAMA TEXTILE CITIZEN OF THE YEAR.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 15.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 17. MOURNING THE DEATH OF ROBERT H. WILDER, SR., OF DADEVILLE, ALABAMA.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 17.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 19. COMMENDING JEFF OLIVER AS 1995 ALTERNATE ALABAMA TEXTILE CITIZEN OF THE YEAR.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 19.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 274. DECLARING THAT PRECLEARED JUDICIAL POSITIONS BE FILLED BY A VOTE OF THE PEOPLE.**

WHEREAS, the United States Department of Justice, pursuant to the Voting Rights Act of 1965, has precleared several acts of the Alabama Legislature establishing circuit court judgeships; and

WHEREAS, it has been suggested with regard to judgeships that would have otherwise been filled by an election as early as 1992 but for the lack of Justice Department preclearance, that a "vacancy" now exists in those judicial positions that, pursuant to state law, may be filled by Gubernatorial appointment; and

WHEREAS, such a construction clearly contravenes the precise language of the Voting Rights Act of 1965 with regard to the effect of legislation required to be precleared and more importantly would remove the right of the voters to select their judges through the ballot box as clearly contemplated by the statutes in question; and

WHEREAS, the adoption of the acts proposing these new judicial positions was plainly based on the understanding of this legislative body that each judgeship would be initially filled by a vote of the citizens who resided in the respective judicial circuit; and

WHEREAS, the republican form of government requires, indeed mandates, that public officials be elected by the people through the appropriate electoral process; moreover such a basic tenant of government should absolutely apply to those public officials entrusted with the power to interpret and apply the laws of our nation and state; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Attorney General of the State of Alabama is respectfully requested to properly conclude that these judicial positions have not been vacated and that pursuant to state law these circuit court judgeships will be filled by a vote of the citizens residing in the respective judicial circuit.

**BE IT FURTHER RESOLVED,** That if an erroneous determination is made regarding a vacancy in these positions, the Governor, as the chief executive officer of this state and the person primarily responsible for protecting the constitutional rights of the citizens of this state to exercise their franchise, decline to fill any vacancy in the newly created judgeships and allow the people to select the persons to fill that office through the nomination and election process currently underway.

On motion of Representative Carter, the resolution, H.J.R. 274, was adopted.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.R. 273. DECLARING THAT PRECLEARED JUDICIAL POSITIONS BE FILLED BY A VOTE OF THE PEOPLE.**

WHEREAS, the United States Department of Justice, pursuant to the Voting Rights Act of 1965, has precleared several acts of the Alabama Legislature establishing circuit court judgeships; and

WHEREAS, it has been suggested with regard to judgeships that would have otherwise been filled by an election as early as 1992 but for the lack of Justice Department preclearance, that a "vacancy" now exists in those judicial positions that, pursuant to state law, may be filled by Gubernatorial appointment; and

WHEREAS, such a construction clearly contravenes the precise language of the Voting Rights Act of 1965 with regard to the effect of legislation required to be precleared and more importantly would remove the right of the voters to select their judges through the ballot box as clearly contemplated by the statutes in question; and

WHEREAS, the adoption of the acts proposing these new judicial positions was plainly based on the understanding of this legislative body that each judgeship would be initially filled by a vote of the citizens who resided in the respective judicial circuit; and

WHEREAS, the republican form of government requires, indeed mandates, that public officials be elected by the people through the appropriate electoral process; moreover such a basic tenant of government should absolutely apply to those public officials entrusted with the power to interpret and apply the laws of our nation and state; now therefore,

**BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That the Attorney General of the State of Alabama is respectfully requested to properly conclude that these judicial positions have not been vacated and that pursuant to state law these circuit court judgeships will be filled by a vote of the citizens residing in the respective judicial circuit.**

**BE IT FURTHER RESOLVED, That if an erroneous determination is made regarding a vacancy in these positions, the Governor, as the chief executive**

officer of this state and the person primarily responsible for protecting the constitutional rights of the citizens of this state to exercise their franchise, decline to fill any vacancy in the newly created judgeships and allow the people to select the persons to fill that office through the nomination and election process currently underway.

On motion of Representative Carter, the resolution, H.R. 273, was adopted.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 20. MOURNING THE DEATH OF HUGH BRYANT BYRD OF LEE COUNTY, ALABAMA.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 20.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 36. MOURNING THE DEATH OF WILLIAM H. BECKWITH, SR., OF AUBURN, ALABAMA.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 36.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 37. COMMENDING FROHSIN'S DEPARTMENT STORE AND THE FROHSIN FAMILY FOR THEIR OUTSTANDING LEADERSHIP ROLE IN THE ALEXANDER CITY COMMUNITY.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 37.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**S.J.R. 45. COMMENDING FREDERICK F. DENTON, JR., FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.**

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 45.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**S.J.R. 57. COMMENDING YETTA G. SAMFORD, JR., AS 1995 DISTINGUISHED CITIZEN OF THE YEAR.**

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 57.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**S.J.R. 33. COMMENDING HOCKEY COACH DOUG ROSS OF THE UNIVERSITY OF ALABAMA IN HUNTSVILLE.**

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 33.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**S.J.R. 46. COMMENDING SENATOR CHARLES LANGFORD FOR HIS LEADERSHIP IN THE CIVIL RIGHTS MOVEMENT.**

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 46.

### **BILLS ON SECOND READING**

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 578. To amend Section 25-4-78, Code of Alabama 1975, as amended by Act No. 95-311, 1995 Regular Session, relating to disqualifications for unemployment compensation benefits, to remove lockout from the disqualifications.

H. 455. To make the discharge or activation of certain deadly weapons or firearms by contrived device or means unlawful; to provide for felony penalties; and to provide for enhanced felony penalties under certain conditions.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 127. (With Substitute): To amend Section 32-5A-191 of the Code of Alabama 1975, as amended by Act No. 95-784, S. 338, 1995 Regular Session (Acts 1995, p. 1862), relating to driving while under the influence of alcohol or a controlled substance, to provide that fines collected for violations resulting from arrests by county or municipal officers shall be disbursed as provided by law.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 570. To amend Sections 13A-11-70 and 13A-11-72 of the Code of Alabama 1975, to define "controlled substance crime," and to provide that it would be a felony offense for a person convicted of a felony controlled substance crime to possess a pistol.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 611. (With Amendment): To amend Section 30-3-60, Code of Alabama 1975, relating to income withholding orders for support, to provide further for the definition of income to include other periodic income.



Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 265. To amend Section 13A-10-38 of the Code of Alabama 1975, relating to the crime of promoting prison contraband in the third degree; to make the possession or introduction of any currency or coin not authorized by the written policies of the Department of Corrections, within any state detention facility, unlawful and punishable as a Class B misdemeanor under the contraband prohibition; to authorize the Department of Corrections to confiscate and liquidate any currency or coin contraband found on or in the possession of any inmate of the Department of Corrections; to provide that the net proceeds from the currency or coin contraband confiscated or liquidated shall be deposited in the operating fund for the department; and to provide for supplemental effect.

S. 217. Repealing Article 6 of Title 7 of the Code of Alabama 1975, commonly referred to as the Bulk Transfers Article of the Uniform Commercial Code.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

S. 272. (With Substitute): To amend Sections 12-15-1 and 12-15-58 of the Code of Alabama 1975, to exclude the violation of juvenile curfew ordinances from the definition of a delinquent act; and to provide that a child being held for the violation of a municipal curfew ordinance be held in a curfew detention facility.

H. 541. (With Substitute): To amend Section 32-5A-193 of the Code of Alabama 1975, relating to fleeing or attempting to elude a law enforcement officer; to provide for the punishment for the offense; and to provide that the offense would be a Class C felony if the driver commits the offense while operating a motor vehicle 30 miles per hour over the posted speed limit while fleeing or attempting to elude a law enforcement vehicle or law enforcement officer.

H. 25. (With Substitute): To amend Sections 12-19-250, 12-19-250.1, and 12-19-251 of the Code of Alabama 1975; to rename the existing docket fee and the "Fair Trial Tax Fund"; and to increase the docket fees in certain drug-related offenses and provide for the proceeds to be used for the representation of indigent criminal defendants, juveniles, and certain other persons; and to amend Section 15-12-21, Code of Alabama 1975, relating to appointment and compensation of attorneys appointed to represent an indigent criminal defendant, a juvenile, or certain other persons; to provide for an increase of the hourly compensation for in-court and out-of-court time of attorneys; to provide further for the limit on the compensation of attorneys in certain criminal cases; to provide that the courts may approve an attorney's fee in excess of the maximum attorney's fee allowed for good cause shown.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 66. (With Substitute): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Department of Insurance.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 68. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Public Accountancy.

S. 69. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alcoholic Beverage Control Board.

S. 70. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Auctioneers.

S. 72. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Cosmetology until October 1, 1997.

S. 74. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Funeral Service.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 76. (With Substitute): Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Heating and Air Conditioning Contractors with certain modifications; to amend Section 34-31-20, Code of Alabama 1975, so as to provide minority representation on the board.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 77. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Liquefied Petroleum Gas Board.

S. 79. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Mine Personnel.

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**S. 81. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Oil and Gas Board.**

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

**S. 83. (With Amendment): Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Pilotage Commission with certain modifications; to amend Section 33-4-3, Code of Alabama 1975, so as to provide that commissioners after a specified date shall be confirmed by the Senate.**

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

**S. 84. (With Substitute): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Plumbers and Gas Fitters Examining Board with certain modifications; to amend Section 34-37-3, Code of Alabama 1975, so as to provide minority representation on the board.**

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

**S. 85. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners in Psychology.**

**S. 87. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Public Service Commission.**

**S. 89. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Real Estate Appraisers Board.**

**S. 90. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Real Estate Commission.**

**S. 93. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Social Work Examiners.**

**S. 94. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Telecommunications Division of the Department of Finance.**

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following

bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 92. (With Substitute): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Securities Commission with certain modifications; to amend Section 8-6-51, Code of Alabama 1975, so as to provide minority representation on the commission.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 71. To make certain statutory changes to the State Board of Auctioneers suggested by the Alabama Sunset Committee pursuant to Section 41-20-5, Code of Alabama 1975; to amend Sections 34-4-21 and 34-4-50, Code of Alabama 1975, relating to the board, so as to clarify the license fees charged auctioneers and apprentice auctioneers; to clarify the qualifications of board members; to provide minority and consumer representation on the board; and to repeal Section 34-4-27, Code of Alabama 1975.

S. 73. To make certain statutory changes to the Alabama Board of Cosmetology suggested by the Alabama Sunset Committee pursuant to Section 41-20-5, Code of Alabama 1975; to amend Section 34-7-40, Code of Alabama 1975, relating to the board, so as to remedy conflicting provisions regarding term length of board members.

S. 75. To make certain statutory changes to the Alabama Board of Funeral Service suggested by the Alabama Sunset Committee pursuant to Section 41-20-5, Code of Alabama 1975; to amend Sections 34-13-26 and 34-13-111, Code of Alabama 1975, relating to the board, so as to require that rules and regulations of the board be adopted in compliance with the Alabama Administrative Procedure Act; and to delete references to branch funeral establishments.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 78. (With Substitute): To make certain statutory changes to the Alabama Liquefied Petroleum Gas Board suggested by the Alabama Sunset Committee pursuant to Section 41-20-5, Code of Alabama 1975; to amend Section 9-17-101, Code of Alabama 1975, relating to the board, so as to provide minority representation on the board.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 80. To make certain statutory changes to the Board of Examiners of Mine Personnel suggested by the Alabama Sunset Committee pursuant to Section 41-20-5, Code of Alabama 1975; to amend Section 25-9-9, Code of Alabama 1975, relating to the board, so as to provide minority representation on the board.

S. 86. To make certain statutory changes to the Board of Examiners in Psychology suggested by the Alabama Sunset Committee pursuant to Section 41-20-5, Code of Alabama 1975; to amend Section 34-26-21, Code of Alabama 1975, relating to the board, so as to exempt public board members from the nomination process in filling vacancies on the board.

S. 88. To make certain statutory changes to the Public Service Commission suggested by the Alabama Sunset Committee pursuant to Section 41-20-5, Code of Alabama 1975; to amend Section 37-1-8, Code of Alabama 1975, relating to the commission, so as to provide further for meeting days.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 91. (With Substitute): To make certain statutory changes to the Alabama Real Estate Commission suggested by the Alabama Sunset Committee pursuant to Section 41-20-5, Code of Alabama 1975; to amend Sections 34-27-2, 34-27-7, 34-27-32, 34-27-35, and 34-27-36, Code of Alabama 1975, relating to the commission, so as to correct a technical error; to add a public member to the commission; to delete unconstitutional language that requires an applicant for a company or broker license to maintain a place of business within the state; to exempt inactive licensees from continuing education requirements; and to require the commission to notify the complainant and the licensee in writing regarding the disposition of a complaint.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 581. To amend Section 9-15-38, Code of Alabama 1975, relating to the sale of certain timber or minerals from school lands or swamp and overflowed lands, to increase the dollar value limit up to which certain timber may be sold on a negotiated basis; to provide for certain additional categories of timber which can be sold on that basis; to clarify that certain determinations are to be made by the State Lands Division of the Department of Conservation and Natural Resources; and to provide that the section applies to all timber sales conducted by the State Lands Division.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following

bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 628. (With Amendment): Authorizing a county commission to adopt ordinances with penalties for the unincorporated areas of the county to regulate businesses with alcoholic beverage licenses which provide certain types of entertainment, attire, or conduct.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 613. To amend Act No. 90-529, H. 304, of the 1990 Regular Session, to create additional unclassified merit system positions for the Southern Environmental Enforcement Network.

Representative Gaines, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 702. To establish an anti-fraud unit within the Workers' Compensation Division of the Department of Industrial Relations to investigate complaints.

H. 726. Providing employer immunity from civil liability in providing information on job performance or professional conduct or evaluation of a former employee to prospective employers; and to provide for a rebuttable presumption of good faith.

Representative Hill, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 646. (With Amendment): To amend Section 41-14-4 of the Code of Alabama 1975, relating to state depositories, so as to allow the state to pay state depositories for the transfer or removal of funds to or from the state depositories, item handling charges, and for any other services performed by the state depository.

Representative Hill, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 693. To amend Sections 5-18-10, 5-18-12, 5-18-15, 5-18-16, 5-18-17, and 5-18-21, Code of Alabama 1975, and to repeal Section 5-18-24, Code of

Alabama 1975, relating to the regulation and licensing of the small loan business; to provide for its operation and supervision; to provide for confidentiality of reports; to provide further for enforceability and liabilities of small loan contracts; to provide further for the promulgation and interpretation of regulations regarding small loans; and to change the penalty for violation.

H. 699. To amend Section 38-9B-5, Code of Alabama 1975, relating to the administration of the AFT Trust, to provide further for certain payments.

Representative Hill, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 706. (With Amendment): To amend Act No. 95-663, S. 512, 1995 Regular Session, now appearing as Section 10-2B-15.02 of the Code of Alabama 1975, to provide further for consequences of foreign corporations transacting business without authority.

H. 724. (With Amendment): To license and regulate the check cashing services; to provide for definitions; to provide for administration by the State Banking Department; and to provide for exemptions, fines, and penalties.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 697. To provide further for the rights and interest in right-of-way property by a person who deeds property to the county or to a public entity, or whose property is taken by the county in condemnation proceedings for purposes of right-of-way.

S. 203. To provide that county commissions may collect or contract for the collection of local taxes that are authorized to be levied by a general or local act.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 652. (With Amendment): To amend Sections 18-1A-3, 18-1A-276, 18-1A-291, and 18-1A-293, Code of Alabama 1975, relating to eminent domain, in order to clarify the definition of a condemnation action; to provide further for costs associated with a condemnation action; and to eliminate the 30-day time limitation within which a probate court is required to conduct a hearing after the filing of a condemnation complaint.

H. 261. (With Amendment): To authorize certain municipalities to employ police officers and firefighters without certification by any applicable civil service system or merit system.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 505. To amend Section 11-43D-14, Code of Alabama 1975, to remove the management of the mayor of certain Class 5 municipalities of public utilities; to provide that a public utility board be formed under Article 9, Chapter 11 of the Code of Alabama 1975 dealing with consolidation of utility boards; to provide for the board of directors of consolidated utility boards; and the dissolution of any utility boards formed under Chapter 97, Title 11 of the Code of Alabama 1975.

S. 126. To amend Section 17-9-5, Code of Alabama 1975, relating to voting machines, to authorize a county or city governing body to discontinue the use of voting machines by resolution and to validate certain actions taken by county commissions and municipalities; and to further provide for the payments for the sale or rental of voting machines or equipment to the governmental entity owning the machines.

Representative Spratt, Chairperson of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 27. To amend Section 32-14-5 of the Code of Alabama 1975, to exempt driver improvement schools operated by the American Association of Retired Persons from the Driver Training School License Act.

Representative Spratt, Chairperson of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 671. (With Amendment): To amend Section 32-5A-245 of the Code of Alabama 1975, to require motorcycle riders to wear shoes and proper headgear while riding on a motorcycle; and to provide that this section shall apply only to motorcycle riders under the age of 21.

Representative Hall (A), Chairperson of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:



H. 723. Relating to Madison County; to require the Madison County Judicial Commission to publicize the list of judicial nominees; and to require the commission to vote publicly on the list of nominees for submission to the Governor.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 185. To provide a four percent (4%) cost-of-living adjustment for certain public education employees with the beginning of the 1996-97 fiscal year and to continue thereafter; to require a revision of the state salary matrix for certificated personnel and to require adjustments on local salary schedules to reflect the cost-of-living adjustment provided herein for the fiscal year 1996-97 and thereafter; and to establish miscellaneous pay provisions.

TOMMY CARTER  
Chairman

And the bill, H. 185, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 343. To make an appropriation of \$100,000 from the Education Trust Fund to the Epilepsy Foundation of North and Central Alabama for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER  
Chairman

And the bill, H. 343, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 302. To make an appropriation of \$1,049,579 from the Education Trust Fund for the support and maintenance of the cerebral palsy education program for the year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER  
Chairman

And the bill, H. 302, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 316. To make an appropriation to the Department of Public Health from the Education Trust Fund in the amount of \$10,521,144 for the fiscal year ending September 30, 1997, and to make a conditional appropriation to the Department of Public Health in the amount of \$2,195,342 from the Education Trust Fund for the fiscal year ending September 30, 1997, for educational purposes.

TOMMY CARTER  
Chairman

And the bill, H. 316, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 341. To make an appropriation of \$35,908,615 from the Education Trust Fund and an appropriation of \$685,665 from Federal and Local Funds to the Department of Youth Services for the fiscal year ending September 30, 1997.

TOMMY CARTER  
Chairman

And the bill, H. 341, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 313. To make an appropriation of \$295,305 from the Education Trust Fund and \$52,500 from the State General Fund to the AIDS Task Force of Alabama, Incorporated, for the fiscal year ending September 30, 1997, for educational programs and services to help prevent the spread of AIDS and to require an operations plan and an audited financial statement.

TOMMY CARTER  
Chairman

And the bill, H. 313, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 21. RECOGNIZING MIDLAND CITY BAPTIST CHURCH ON ITS FIRST 100 YEARS OF CHRISTIAN SERVICE.

Also:

H.J.R. 158. COMMENDING THE BIRMINGHAM POST-HERALD ON SPONSORING THE DISTINGUISHED TEACHER AWARD.

Also:

H.J.R. 163. DESIGNATING ARBOR WEEK IN THE STATE OF ALABAMA ON FEBRUARY 18-24, 1996.

Also:

H.J.R. 179. COMMENDING THE CENTRAL OF TUSCALOOSA HIGH SCHOOL FOOTBALL TEAM ON ITS 6-A STATE FOOTBALL CHAMPIONSHIP.

Also:

H.J.R. 180. COMMENDING THE PARALYZED VETERANS OF AMERICA MID-SOUTH CHAPTER.

Also:

H.J.R. 181. COMMENDING H. THOMAS PRAYTOR, III, FOR OUTSTANDING COMMUNITY SERVICE AND PROFESSIONAL ACHIEVEMENT.

Also:

H.J.R. 182. COMMENDING DR. THRATH CURRY OF CARROLLTON, ALABAMA.

Also:

H.J.R. 204. COMMENDING NATHAN HOLCOMB OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 205. COMMENDING LAVARRIE HARBIN OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 206. COMMENDING WILLIE J. SLATER, ASSISTANT COACH, OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 207. COMMENDING REGINALD REFFIN OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

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Also:

**H.J.R. 208. MOURNING THE DEATH OF WILLIS MOORE OF HUNTSVILLE, ALABAMA.**

Also:

**H.J.R. 209. COMMENDING THE REVEREND PHILLIP V. RUSHING FOR DEDICATED CHRISTIAN SERVICE.**

Also:

**H.J.R. 241. COMMENDING THE ALL-ALABAMA ACADEMIC TEAM.**

Also:

**H.J.R. 244. RECOGNIZING THE INDEPENDENT INSURANCE AGENTS OF AMERICA, INC., FOR ITS OUTSTANDING CONTRIBUTIONS.**

Also:

**H.J.R. 253. COMMENDING THE CENTRAL HIGH SCHOOL LADY FALCONS ON THEIR CLASS 6A FINAL FOUR CHAMPIONSHIP.**

Also:

**H.J.R. 254. COMMENDING THE HOLTVILLE HIGH SCHOOL BOYS BASKETBALL TEAM, AND DESIGNATING APRIL 26, 1996, AS HOLTVILLE HIGH SCHOOL BULLDOG DAY IN THE STATE OF ALABAMA.**

Also:

**H.J.R. 255. COMMENDING JAMES A. FINDLEY AND DESIGNATING APRIL 26, 1996, AS JAMES A. FINDLEY DAY IN THE STATE OF ALABAMA.**

Also:

**H.J.R. 256. COMMENDING G. P. BRIDWELL, DIRECTOR OF NASA'S MARSHALL SPACE FLIGHT CENTER, FOR DISTINGUISHED SERVICE.**

Also:

**H.J.R. 261. MOURNING THE DEATH OF JOE M. YOUNG OF BRUNDIDGE, ALABAMA.**

Also:

**H.J.R. 262. RECOGNIZING AUGUST 9, 1996, AS AGRICULTURE TEACHERS' DAY IN ALABAMA.**

Also:

H.J.R. 269. RECOGNIZING THE SISTER CITIES AGREEMENT BETWEEN THE CITY OF CULLMAN AND THE COMMUNITY OF FRANKWEILER ON THE WEINTRABE, GERMANY.

Also:

H.J.R. 272. COMMENDING CHRISTOPHER PHILLIP STEPHENS ON OBTAINING THE RANK OF EAGLE SCOUT.

Also:

H.J.R. 128. EXPRESSING LEGISLATIVE INTENT IN ACT NO. 95-395, H. 149 OF THE 1995 REGULAR SESSION, PROVIDING ALTERNATIVE ADVERTISING PROCEDURES FOR ADOPTING MUNICIPAL ZONING ORDINANCES.

Also:

H.J.R. 183. RECOGNIZING CARROLLTON BAPTIST CHURCH IN PICKENS COUNTY, ALABAMA, ON THE OCCASION OF ITS SESQUICENTENNIAL CELEBRATION, MAY 19, 1996.

Also:

H.J.R. 184. COMMENDING LOUIS PIZITZ MIDDLE SCHOOL, VESTAVIA HILLS, AS RECIPIENT OF THE NATIONAL BLUE RIBBON OF EXCELLENCE AWARD.

Also:

H.J.R. 185. WELCOMING THE DOUBLE OO RIDERS ASSOCIATION OF MICHIGAN TO ALABAMA.

Also:

H.J.R. 201. MOURNING THE DEATH OF COLONEL DONALD H. JERSEY.

Also:

H.J.R. 202. MOURNING THE DEATH OF LOLA B. SANFORD OF BOAZ, ALABAMA.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

**SIGNING OF HOUSE JOINT RESOLUTIONS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 320. To make an appropriation of \$682,793 from the Education Trust Fund to the Children's and Women's Hospital in Mobile, Alabama, for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER  
Chairman

And the bill, H. 320, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 331. To make an appropriation of \$307,615 from the Education Trust Fund to the Helen Keller Eye Research Foundation for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER  
Chairman

And the bill, H. 331, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 338. To make an appropriation of \$950,000 from the Education Trust Fund to the Children's Hospital in Birmingham, Alabama, for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER  
Chairman

And the bill, H. 338, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 683. To make an appropriation of \$366,000 from the Education Trust Fund for the support and maintenance of Southwest School for Deaf and Blind for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER  
Chairman

And the bill, H. 683, as engrossed, was ordered sent to the Senate.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 282. COMMENDING MARY S. ZOGHBY AS THE 1995 MOBILIAN OF THE YEAR.



WHEREAS, it is with a great sense of pride and deep admiration that the Alabama Legislature notes the selection of former state Representative Mary S. Zoghby as 1995 Mobilian of the Year; and

WHEREAS, Mrs. Zoghby is the 48th recipient of this prestigious annual award presented by the Civitan Club of Mobile for outstanding achievement; and

WHEREAS, a member of St. Pius X Catholic Church for 34 years, Mrs. Zoghby has served as both Lector and Eucharistic Minister, and was named Mobile's First Lady for 1986; and

WHEREAS, Mrs. Zoghby has also served as Chairman of the Mobile Delegation to the Alabama House of Representatives, obtaining financing to restore the Tardy Cottage, one of Alabama's most important historic houses, for use as offices for the Delegation, and was recipient of the Liberty Bell Award presented by the Bar Association in 1991; and

WHEREAS, a founder and coeditor of the "Landmark Letter," a magazine of Historic Mobile Preservation Society, Mrs. Zoghby is currently serving a three-year term on the board of the Children's Trust Fund as representative from the First Congressional District; and

WHEREAS, Mrs. Zoghby has provided extraordinary service to numerous professional organizations, including board member of the Regional Child Care Management Agency, Alabama School for Math and Science Foundation, Preschool for the Sensory Impaired, and Dean of Leadership Mobile Class of 1996, and a member of Leadership Alabama 1991-92; and

WHEREAS, her community service includes serving as a board member for the Coalition for a Drug Free Mobile County, Mercy Medical, Providence Hospital Foundation, and the Mobile Bay Area Chapter of the American Red Cross; and

WHEREAS, Mrs. Zoghby also ably serves as an active board member of L'Arche, and as past board member of both the Catholic Social Services, and Mobile Area Social Justice Commission; and

WHEREAS, serving as a worthy role model for the citizens of Mobile, Alabama, Mrs. Zoghby is the current Resource Development Director of the Boys and Girls Clubs of Greater Mobile, Inc., a position she assumed in January 1995, where she raised \$1,300,000 from private and public sources; and

WHEREAS, Mary S. Zoghby has contributed immeasurably to the enrichment of the social, cultural, and economic lives of her fellow citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate our friend and former colleague, Mary S. Zoghby, as 1995 Mobilian of the Year, and

further direct that a copy of this resolution be presented as evidence of our deep appreciation and warmest personal regard.

On motion of Representative Carter, the resolution, H.J.R. 282, was adopted.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Little:

S.J.R. 70. MOURNING THE DEATH OF JOHNNY ADAMS OF LOACHAPOKA, ALABAMA.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The resolution, S.J.R. 70, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Little:

S.J.R. 71. URGING EACH LOCAL BOARD OF EDUCATION TO ENFORCE THE TRUANCY LAWS OF THE STATE OF ALABAMA.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The resolution, S.J.R. 71, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Sanders:

S.J.R. 73. COMMENDING BARBARA H. PITTS ON HER OUTSTANDING COMMUNITY ACHIEVEMENTS.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The resolution, S.J.R. 73, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**INTRODUCTION OF BILLS**

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representatives Morrison, Drake, Venable, McDaniel, Hill, Gaines, Curry, Papucci, Smith, Dukes, Parker (P), and Hawk:

H. 746. To make an appropriation from the State General Fund of \$75,000 each to the City of Cullman Community Development Board, the Decatur Business Center, the Shelby Economic Development Council, the Marshall County Economic Development Board, and the Tallassee Entrepreneur Center for the fiscal year ending September 30, 1997, and to require an operations plan and an audited financial statement prior to the release of any funds.

COMMITTEE ON WAYS AND MEANS'

By Representatives Sanderson, Rogers (M), Morrison, and Gaines:

H. 747. To amend Section 25-5-77, Code of Alabama 1975, relating to Workers' Compensation, to provide further for the medical treatment of injured employees.

#### COMMITTEE ON BUSINESS AND LABOR

By Representatives Houston, Johnson (E), Rogers (J), Spratt, Hilliard, Minnifield, and McAdory:

H. 748. To provide that only an authorized representative of the manufacturer or distributor may offer drugs, cosmetics, medical devices, and baby food and infant formula for sale at a flea market; to provide that the representative shall carry proof of authorization; and to provide penalties for violations.

#### COMMITTEE ON HEALTH

### BILLS ON THIRD READING

#### BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hill, the Budget Isolation Resolution relating to the bill, H. 664, was adopted.

Yeas 45; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Burke, Carns, Carothers, Carter, Clouse, Crigler, Dolbare, Dukes, Gaines, Gaston, Guin, Hawkins, Hayden, Hill, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Knight (A), Lindsey, McAdory, McClammy, Millican, Mitchell, Moore, Murphree, Parker (P), Payne, Penry, Reed, Rogers (J), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Townsend, Vance and Warren.

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#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

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And the bill:

H. 664. Relating to the City of Alabaster in Shelby County; to amend Section 5 of Act No. 93-493, H. 742 of the 1993 Regular Session (Acts 1993, p. 789), relating to the Personnel Director of the City of Alabaster; to provide that the personnel director would be appointed by the personnel board.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Dolbare, Dukes, Gaines, Guin, Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Layson, Lindsey, McAdory, McClammy, Melton, Millican, Moore, Morton, Murphree, Papucci, Parker (P), Payne, Penry, Petelos, Reed, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Vance, Venable and Warren.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Hill, the Budget Isolation Resolution relating to the bill, H. 665, was adopted.

Yeas 45; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Dukes, Gaines, Guin, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hooper, Houston, Johnson (R), Knight (A), Lindsey, Maull, McAdory, McClammy, Melton, Millican, Moore, Murphree, Papucci, Parker (P), Payne, Reed, Sanderford, Sanderson, Smith, Spratt, Thomas (D), Townsend and Warren.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 665. Relating to Shelby County; amending Act No. 87-768, 1987 Regular Session, which levies a lodgings tax in the county, to provide further for the collection of the tax.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Dukes, Gaines, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Mitchell, Moore, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Reed, Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Vance, Venable and Warren.

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Nay:

Representative Millican.

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### BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hill, the Budget Isolation Resolution relating to the bill, H. 678, was adopted.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Dean, Dukes, Gaines, Gaston, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Houston, Johnson (E), Johnson (R), Knight (A), Lindsey, Maull, McClammy, McDaniel, Melton, Millican, Moore, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Reed, Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Vance, Venable and Warren.

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And the bill:

H. 678. Relating to Shelby County; amending Act No. 81-461, H. 933, 1981 Regular Session, to provide further for the collection of the existing sales and use tax; and to repeal Act No. 95-371, H. 557 of the 1995 Regular Session, relating to the collection of the existing sales and use tax.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Dean, Dukes, Gaines, Gaston, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Moore, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Reed, Rogers (J), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Venable and Warren.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Hill, the Budget Isolation Resolution relating to the bill, H. 679, was adopted.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Gaines, Gaston, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Venable and Warren.

-60

And the bill:

H. 679. Relating to Shelby County; to provide for an additional expense allowance for the board of equalization.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Curry, Gaines, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Reed, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Venable and Warren.

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#### **BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER**

In accordance with House Rule 19, the Budget Isolation Resolution and the bill, H. 418, were temporarily carried over due to absence of the sponsor.

#### **BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER**

In accordance with House Rule 19, the Budget Isolation Resolution and the bill, H. 584, were temporarily carried over due to absence of the sponsor.

#### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Collins, the Budget Isolation Resolution relating to the bill, H. 600, was adopted.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carothers, Carter, Clouse, Collins, Curry, Dean, Dukes, Gaines, Gaston, Guin, Hamilton, Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Holmes, Houston,



**REGULAR SESSION  
13th Day**

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Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, Maull, McAdory, McClammy, Melton, Millican, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Reed, Rogers (J), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Vance, Venable and Warren.

-59

And the bill:

H. 600. To authorize the Lamar County Commission to contract for the administration and enforcement by a designee of any tax or license levied in the county.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Curry, Dean, Gaines, Gaston, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Reed, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Venable and Warren.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Minnifield, the Budget Isolation Resolution relating to the bill, H. 487, was adopted.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Burke, Carns, Carter, Clark (W), Clouse, Collins, Curry, Dolbare, Gaines, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Houston, Johnson (E), Knight (A), Lindsey, Maull, McAdory, McClammy, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci,

Parker (P), Parker (T), Payne, Perdue, Reed, Rogers (J), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (J), Townsend, Vance and Venable.

-57

And the bill:

H. 487. Providing for the election of the board of education of the City of Fairfield; providing that the members of the board shall be elected from defined school districts; providing for the terms of office, qualifications, and compensation of the members; prescribing procedures for electing the members and for filling vacancies on the board; providing for board representation for persons not residing within a school district; providing for financial audits of the records of the board; and providing that this act shall become effective upon the ratification of an amendment to the Constitution of Alabama of 1901, authorizing an elected board of education for the City of Fairfield.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Gaines, Gaston, Guin, Hall (A), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Houston, Johnson (E), Knight (A), Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Perdue, Reed, Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (J), Townsend and Venable.

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#### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Layson, the Budget Isolation Resolution relating to the bill, H. 418, which was previously temporarily carried over, was adopted.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Curry, Dean, Drake, Dukes, Gaines, Gaston, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard,

Hinshaw, Holmes, Johnson (E), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Reed, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Vance, Venable and Willis.

-69

And the bill:

H. 418. To propose an amendment to the Constitution of Alabama of 1901, ratifying and validating all ad valorem tax levies and payments made in Pickens County, and authorizing the county governing body to levy an ad valorem tax.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Curry, Dean, Drake, Dukes, Gaines, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Reed, Rogers (J), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Vance, Venable and Willis.

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#### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Layson, the Budget Isolation Resolution relating to the bill, H. 584, which was previously temporarily carried over, was adopted.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Curry, Dean, Drake, Gaines, Gaston, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne,

Penry, Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable and Willis.

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And the bill:

H. 584. Relating to Pickens County; to provide for necessary repairs and maintenance to turnouts abutting public roads by the county commission.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Drake, Gaines, Gaston, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Reed, Rogers (J), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable and Willis.

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### BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hilliard, the Budget Isolation Resolution relating to the bill, H. 441, was adopted.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Curry, Dean, Drake, Gaines, Guin, Hall (A), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Jorgensen, Knight (A), Layson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Mitchell, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Reed, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Townsend, Vance, Venable and Willis.

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And the bill:

H. 441. Relating to Jefferson County; to amend Act No. 929, S. 676 of the 1951 Regular Session (Acts 1951, p. 1579), as amended by Act No. 1272, H. 620 of the 1973 Regular Session (Acts 1973, p. 2124), relating to a pension system; to provide that employees of the Birmingham Emergency Management Communication District shall be included in the pension system.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carter, Clark (W), Curry, Drake, Gaines, Gaston, Guin, Hall (A), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Johnson (E), Jorgensen, Knight (A), Lindsey, Maull, McClammy, McMillan, Melton, Mitchell, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Reed, Robinson, Rogers (J), Sanderson, Sims, Smith, Spratt, Starkey, Townsend, Vance, Venable, Warren and Willis.

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### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Houston, the Budget Isolation Resolution relating to the bill, H. 444, was adopted.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Drake, Gaines, Guin, Hall (A), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Houston, Johnson (E), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Reed, Robinson, Rogers (J), Sanderson, Seibenhener, Smith, Spratt, Starkey, Townsend, Vance and Venable.

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And the bill:

H. 444. Relating to Jefferson County; amending Sections 1 and 2 of Act 89-702, H. 751 of the 1989 Regular Session (Acts 1989, p. 1397); to increase the number of county commission staff positions; and to provide that the additional positions are exempt from the merit system.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Curry, Drake, Gaines, Guin, Hall (A), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Holmes, Houston, Johnson (E), Jorgensen, Knight (A), Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Reed, Robinson, Rogers (J), Sanderson, Seibenhener, Smith, Spratt, Starkey, Townsend and Venable.

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### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Townsend, the Budget Isolation Resolution relating to the bill, H. 457, was adopted.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Curry, Gaines, Guin, Hall (A), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Houston, Johnson (E), Jorgensen, Knight (A), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Townsend, Vance and Venable.

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And the bill:

H. 457. Relating to Jefferson County; to amend Act No. 497, H. 1057, 1965 Regular Session, as amended; relating to a pension system for officers and employees of the County so as to provide for the termination of a factor of the benefit formula rate and to authorize the Pension Board to establish rules and regulations for such termination.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Curry, Gaines, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Houston, Johnson (E), Jorgensen, Knight (A), Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Smith, Townsend and Venable.

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#### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Petelos, the Budget Isolation Resolution relating to the bill, H. 283, was adopted.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Burke, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Curry, Dean, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Houston, Johnson (E), Jorgensen, Knight (A), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Townsend and Venable.

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And the bill:

H. 283. Relating to Jefferson County; to authorize the Pension Board of the General Retirement System for Employees of Jefferson County to establish rules and regulations to allow former members of the Pension System who withdrew from the Pension System under Section 13 of Act No. 497, of the Regular Session of the Legislature of Alabama of 1965, as amended, and who rejoined the System pursuant to Act No. 86-706, First Extraordinary Session of 1986, to become eligible to receive Factor No.3 of the Pension Benefit Formula for previous unpaid time, but excluding the period from the date of their withdrawal until January 3, 1987; to allow former members of the retirement system who withdrew from the System pursuant to Section 13 of said Act No. 497 and who did not rejoin the System pursuant to Act No. 86-706, a one-time opportunity to rejoin the System as new members with eligibility to receive Factor No. 3 of the Pension Benefit Formula but excluding the period from the date of their withdrawal until January 3, 1987; to prohibit certain new members who rejoined the System from converting any of the previous unpaid membership time to paid membership time for the Pension Benefit Formula; and to repeal Act No. 93-927 of the 1993 First Special Session of the Legislature.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Burke, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Curry, Dean, Gaines, Gaston, Gipson, Guin, Hall (A), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Houston, Johnson (E), Jorgensen, Knight (A), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Townsend and Venable.

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#### **REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:



H. 324. To make an appropriation of \$1,180,196 from the Education Trust Fund to the East Alabama Child Development Center for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER  
Chairman

And the bill, H. 324, as engrossed, was ordered sent to the Senate.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 122. To provide for a supplemental appropriation from the State General Fund for the fiscal year ending September 30, 1996, in the amount of \$7,588,000 to various state agencies; to provide for a supplemental appropriation from the Special Mental Health Fund of \$2,000,000 to the Department of Mental Health and Mental Retardation for the fiscal year ending September 30, 1996; to provide for the expanded use of the fiscal year 1996 appropriation to the Alabama Agricultural Museum Board; to provide for a supplemental appropriation to the Alabama Forestry Commission from the Forestry Commission Fund in the amount of \$1,500,000 for the fiscal year ending September 30, 1996; and to provide for an effective date.

McDOWELL LEE  
Secretary

### SENATE MESSAGE

On motion of Representative Fuller, the House non-concurred in the Senate amendment to the bill, H. 122, and requested the Speaker appoint a Committee on Conference on the disagreement of the two Houses, said Senate amendment being as follows:

#### A BILL TO BE ENTITLED AN ACT

To provide for a supplemental appropriation from the State General Fund for the fiscal year ending September 30, 1996, in the amount of \$5,238,000 to various state agencies; to provide for a supplemental appropriation from the Special Mental Health Fund of \$2,000,000 to the Department of Mental Health and Mental

Retardation for the fiscal year ending September 30, 1996; to provide for the expanded use of the fiscal year 1996 appropriation to the Alabama Agricultural Museum Board; to provide for a supplemental appropriation to the Alabama Forestry Commission from the Forestry Commission Fund in the amount of \$1,500,000 for the fiscal year ending September 30, 1996; and to reduce the appropriation made in Act 95-740, Section 2D 9 and to provide further for the use of the remaining appropriated funds; and to provide for an effective date.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated to the following state agencies, the following amounts from the State General Fund for the fiscal year ending September 30, 1996:

- a. Department of Human Resources..... 1,000,000

The above appropriation shall be used only for serving non-welfare, low income working families currently on the waiting list for the subsidized child care program and shall not be used to supplant or decrease any existing state support or other state funding for the subsidized child care program.

- b. Department of Veterans Affairs..... 400,000

- c. Department of Youth Services..... 2,300,000

Of the above appropriation, the sum of \$300,000 shall be used by the Department for the Wilderness Camp program and of the above appropriation, at least \$775,000 shall be used to fund C.I.T.Y. Program.

- d. Historic Blakeley Authority..... 188,000

- e. Alabama Development Office..... 500,000

- f. Alabama Department of Economic and Community Affairs..... 400,000

- g. Examiners of Public Accounts..... 300,000

- h. Ft. McClellan Reuse and Redevelopment Authority..... 150,000

Section 2. In addition to any and all other funds heretofore or hereafter appropriated to the Department of Mental Health and Mental Retardation, there is hereby appropriated from the Special Mental Health Fund, the amount of \$2,000,000 to the Department of Mental Health and Mental Retardation for the fiscal year ending September 30, 1996.

Section 3. It is the intent of the Legislature that the appropriation made in Act 95-740 passed in the 1995 Regular Session to the Alabama Agricultural Museum Board may be used for capital outlay purposes by the Board.

Section 4. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated from the Forestry Commission Fund to the Alabama Forestry Commission the sum of \$1,500,000 for the fiscal year ending September 30, 1996.

Section 5. All other laws to the contrary notwithstanding, the appropriation made in Act 95-740, Section 2D 9 as the appropriation contemplated in Section 41-4-94, Code of Alabama 1975, is hereby reduced by the amount of \$1,500,000. It is further the intent of the Legislature that of the appropriation made in contemplation of Section 41-4-94, Code of Alabama 1975, as much as necessary shall be expended for legal expenses incurred by the Office of the Lieutenant Governor in Case Nos. CV 90-883-R and CV 91-0117-R.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Amend H. 122 on page 1, line 11 and on page 2, line 6 by deleting the figure "\$5,238,000" and insert in lieu thereof: "\$5,738,000"

Further amend on page 3 after line 23 by inserting the following language:

"i. Alabama Forestry Commission for Volunteer Fire Departments... 500,000"

Amend House Bill 122 as substituted on page 1, line 14 and page 2, line 9 by deleting the figure "\$2,000,000" and inserting in lieu thereof the figure "\$3,000,000".

Further amend House Bill 122 as substituted on page 4, line 2 by deleting the figure "\$2,000,000" and inserting in lieu thereof the figure "\$3,000,000".

On page 1, line 11 and on page 2, line 6 delete the figure "\$5,738,000" and insert in lieu thereof: "5,838,000"

On page 3, line 20, delete the figure "400,000" and insert in lieu thereof: "500,000"

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dukes, Fuller, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Papucci, Parker (P), Payne, Penry, Perdue, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Vance, Venable and Warren.

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### **COMMITTEE ON CONFERENCE APPOINTED**

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Fuller, Knight (J) and Curry on the disagreement of the two Houses on the Senate amendment to the bill, H. 122.

### **REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 327. To make an appropriation of \$1,482,112 from the Education Trust Fund for the support and maintenance of the sickle cell education program for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

**TOMMY CARTER**  
Chairman

And the bill, H. 327, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 329. To make an appropriation of \$23,262,924 from the Education Trust Fund, an appropriation of \$2,620,000 from the Driver Impaired Trust Fund, and an appropriation of \$88,958,186 from Federal and Local Funds to the Department of Rehabilitation Services for the fiscal year ending September 30, 1997.

TOMMY CARTER  
Chairman

And the bill, H. 329, as engrossed, was ordered sent to the Senate.

**RESOLUTIONS**

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Hall (L):

H.R. 289. COMMENDING MATTIE D. BATTLE OF HUNTSVILLE, ALABAMA.

Also:

By Representative Page:

H.R. 290. COMMENDING ROY H. LADD, SR., FOR OUTSTANDING CONTRIBUTIONS TO THE YOUTH OF OUR STATE AND NATION.

**CERTIFICATE OF CLERK**

To the House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

JOURNAL OF THE HOUSE, 1996  
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Delivered to the Governor at 11:20 A.M. on March 20, 1996.

H.J.R. 190

H.J.R. 257

H.J.R. 259

H. 104

H. 355

Delivered to the Secretary of State at 11:25 A.M. on March 20, 1996.

H. 143 (Constitution Amendment)

Delivered to the Governor at 2:25 P.M. on March 20, 1996

H.J.R. 21	H.J.R. 207	H.J.R. 262
H.J.R. 158	H.J.R. 208	H.J.R. 269
H.J.R. 163	H.J.R. 209	H.J.R. 272
H.J.R. 179	H.J.R. 241	H.J.R. 128
H.J.R. 180	H.J.R. 244	H.J.R. 183
H.J.R. 181	H.J.R. 253	H.J.R. 184
H.J.R. 182	H.J.R. 254	H.J.R. 185
H.J.R. 204	H.J.R. 255	H.J.R. 201
H.J.R. 205	H.J.R. 256	H.J.R. 202
H.J.R. 206	H.J.R. 261	

GREG PAPPAS  
Clerk

**ADJOURNMENT**

On motion of Representative Clark (W), the House adjourned until 10:00 o'clock a.m., Thursday, March 21, 1996.

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14th Day**

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**FOURTEENTH DAY**

**House of Representatives  
Montgomery, Alabama  
Thursday, March 21, 1996**

The House met pursuant to adjournment.

**PRAYER**

The session was opened with prayer by Reverend Jack Collins, Director of Missions, West Cullman Baptist Association.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Kristy Terry, and Miranda Hendon, 11th Grade, Cedar Bluff High School, Cedar Bluff, Alabama.

**ROLL CALL**

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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A quorum was present.

**REPORT OF STANDING COMMITTEE ON RULES**

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the thirteenth legislative day and finds the same to be correct.

TOMMY CARTER  
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the thirteenth legislative day was dispensed with.

**RESOLUTION**

The following resolution was introduced:

By Rules Committee:

H.R. 291. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the fourteenth legislative day, Thursday, March 21, 1996, taking precedence over the regular order of business or any pending or unfinished business and continuing on subsequent legislative days until such time as said bills are disposed of:

And the Following bills:

Inst Id

S. 66 - By Bailey (As Substituted)

Insurance Dept., sunset law review, continued

S. 69 - By Bailey

Alcoholic Beverage Control Bd., sunset law review, continued

S. 81 - By Bailey

Oil and Gas Bd., sunset law review, continued

S. 83 - By Bailey (As Amended)

Pilotage Commission, sunset law review, continued



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S. 84 - By Bailey (As Substituted)

Plumbers and Gas Fitters Examining Bd., sunset law review, continued, Sec. 34-37-3 am'd.

S. 93 - By Bailey

Social Work Examiners, Bd. of, sunset law review, continued

S. 94 - By Bailey

Finance Dept., Telecommunications Div., sunset law review, continued

S. 76 - By Bailey (As Substituted)

Heating and Air Conditioning Contractors, Bd. of, sunset law review, continued, Sec. 34-31-20 am'd.

S. 77 - By Bailey

Liquefied Petroleum Gas Bd., sunset law review, continued

S. 79 - By Bailey

Mine Personnel, Bd. of Examiners of, sunset law review, continued

S. 68 - By Bailey

Public Accountancy, Bd. of, sunset law review, continued

S. 72 - By Bailey

Cosmetology, Bd. of, sunset law review, continued until October 1, 1997

S. 87 - By Bailey

Public Service Commission, sunset law review, continued

S. 90 - By Bailey

Real Estate Commission, sunset law review, continued

S. 70 - By Bailey

Auctioneers, Bd. of, sunset law review, continued

S. 89 - By Bailey

Real Estate Appraisers Bd., sunset law review, continued

S. 92 - By Bailey (As Substituted)

Securities Commission, sunset law review, continued, Sec. 8-6-51 am'd.

S. 74 - By Bailey

Funeral Service, Bd. of, sunset law review, continued

S. 85 - By Bailey

Psychology, Bd. of Examiners in, sunset law review, continued

Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the following bills:

Inst Id

S. 78 - By Bailey (As Substituted)

Liquefied Petroleum Gas Bd., minority representation on bd. provided, Sunset recommendations, Sec. 9-17-101 am'd.

S. 80 - By Bailey

Mine Personnel, Bd. of Examiners of, minority representation on bd. provided, Sunset recommendations, Sec. 25-9-9 am'd.

S. 73 - By Bailey

Cosmetology, Bd. of, terms of membs. clarified, Sunset recommendations, Sec. 34-7-40 am'd.

S. 88 - By Bailey

Public Service Comm., meeting days provided in the event of a holiday, Sunset recommendations, Sec. 37-1-8 am'd.

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**S. 91 - By Bailey (As Substituted)**

Real Estate Comm., public membs. added, notification re disposition of complaint req., Sunset recommendations, Secs 34-27-2, 34-27-7, 34-27-32, 34-27-35, 34-27-36 am'd.

**S. 71 - By Bailey**

Auctioneers, Bd. of, license fees and qualifications of membs. clarified, minority representation provided, Sunset recommendations, Secs. 34-4-21, 34-4-50 am'd., Sec. 34-4-27 repealed

**S. 75 - By Bailey**

Funeral Service, Bd. of, regulations to comply with Administrative Procedure Act, references to branch funeral establishments deleted, Sunset recommendations, Secs. 34-13-26, 34-13-111 am'd.

**S. 86 - By Bailey**

Psychology, Bd. of Examiners in, public membs. exempt from nomination process to fill vacancies, Sunset recommendations, Sec. 34-26-21 am'd.

On motion of Representative Carter, the resolution, H.R. 291, was adopted.

**RECESS**

On motion of Representative Carns, the House recessed to the call of the Chair.

**HOUSE RECONVENED**

The House reconvened. The Speaker called the House to order.

**SPECIAL ORDER CALENDAR**

The House then proceeded with the consideration of the Special Order Calendar.

**BUDGET ISOLATION RESOLUTION LOST**

The motion offered by Representative Hammett to adopt the Budget Isolation Resolution relating to the bill, S. 66, was lost, lacking a three-fifths vote.

Yeas 46; Nays 44.

Yea:

Mr. Speaker, Allen, Carns, Collins, Crigler, Curry, Dean, Dukes, Flowers, Fuller, Gaines, Gaston, Hamilton, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Johnson (R), Knight (A), Laird, Layson, McDaniel, McKee, McMillan, Moore, Morton, Newton (C), Papucci, Payne, Penry, Petelos, Pringle, Sanderford, Sanderson, Smith, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Wren.

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Nay:

Representatives Baker, Black (L), Black (M), Boyd, Buskey, Carothers, Clark (W), Clouse, Dolbare, Drake, Ford, Galliher, Gipson, Graham, Guin, Hall (L), Hawk, Hayden, Hinshaw, Houston, Johnson (E), Jorgensen, Kennedy, Knight (J), Maull, McAdory, McClammy, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Newton (D), Page, Parker (P), Perdue, Reed, Robinson, Rogers (J), Rogers (M), Seibenhener, Spratt and Willis.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Box, the Budget Isolation Resolution relating to the bill, S. 69, was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Boyd, Burke, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren and Willis.

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**NOTICE IN WRITING FILED**

Representative Boyd filed the following Notice in Writing:

I am Representative Barbara B. Boyd. This legislative day, I cast a vote in opposition to Senate Bill 66, as substituted. As a member of the Alabama House of Representatives, I have a constitutional right to enter into the Journal the reason for my vote against this bill. Article IV, Section 55 of the Constitution of Alabama of 1901 gives me this right.

The reason for my dissenting vote is that I believe this bill to be in violation of the Alabama Constitution. Senate Bill 66, a two-page bill that provided for the continuance of the Department of Insurance under Alabama's Sunset Law, was introduced in the Alabama Senate on February 6, 1996. Said bill was assigned to the Senate Fiscal Responsibility and Accountability Committee.

While still pending in the Senate, an attempt was made to substitute SB 66. The chair ruled that the substitute was not germane and thus could not be properly substituted under Alabama law. The two-page original SB 66 passed the Senate and was sent to the House of Representatives for consideration. It was assigned to the House State Administration Committee. On March 20, 1996, this two-page bill was substituted with an 18-page bill that included sweeping changes to the Insurance Code and provided immunity for insurance companies for the bad acts of their agents. SB 66, as substituted, was reported favorably out of committee on March 20, 1996. It passed the full House on March 21, 1996, at which time I voted against it because I believe it to be unconstitutional.

Senate Bill 66, as substituted, violates the single subject requirements of Article IV, Section 45 of the Constitution of Alabama of 1901. This constitutional provision mandates, in part, "Each law shall contain but one subject, which shall be clearly expressed in its title." The original SB 66 contained one subject. Substitute SB 66, however, contains several subjects unrelated to the original bill and is thus unconstitutional.

Senate Bill 66, as substituted, also violates Article IV, Section 61 of the Constitution of Alabama of 1901, which provides, "No bill shall be passed except by bill, and no bill shall be so amended on its passage through either house as to change its original purpose." The purpose of substitute SB 66 is so different from the original SB 66 as to render its substitution unconstitutional.

Senate Bill 66, as substituted, also violates Article IV, Section 63 of the Constitution of Alabama of 1901, which governs the number of readings for bills. Article IV, Section 63 provides, in part, "Every bill shall be read on three different days in each house." SB 66, as substituted, did not receive three readings in the House of Representatives and therefore is unconstitutional. The bill, as substituted, only received its second and third readings in the House. The first reading of SB 66 in the House was of the original two-page bill, relating only to the continuation of the State Department of Insurance. This original two-page bill also

received its first, second, and third readings in the Senate. Therefore, SB 66, as substituted, is blatantly unconstitutional based on Article IV, Section 63 of the Alabama Constitution.

Because I believe that Senate Bill 66, as substituted, violates Article IV, Sections 45, 61, and 63 of the Constitution of Alabama of 1901, I voted against this bill on March 21, 1996. I voted against this bill not only because I find passage of this bill to be injurious to the public through abuse of process by the Legislature, but also because the bill, as fraudulently passed, would be injurious to Alabama consumers based upon its content. In accordance with Alabama Constitution Article IV, Section 55, I move that the reasons for my dissent be entered into the Journal.

### **S. 69 TAKEN UP**

And the bill:

S. 69. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alcoholic Beverage Control Board.

was read a third time at length and passed.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Box, the Budget Isolation Resolution relating to the bill, S. 81, was adopted.

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Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Vance, Venable, Warren, Willis and Wren.

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**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 274. DECLARING THAT PRECLEARED JUDICIAL POSITIONS BE FILLED BY A VOTE OF THE PEOPLE.

McDOWELL LEE  
Secretary

**S. 81 TAKEN UP**

And the bill:

S. 81. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Oil and Gas Board.

was read a third time at length and passed.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton,

Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren, Willis and Wren.

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### BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Box, the Budget Isolation Resolution relating to the bill, S. 83, was adopted.

Yeas 73; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (J), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Venable, Warren and Willis.

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Nay:

Representatives Buskey and Mitchell.

- 2

And the bill:

S. 83. (With Amendment): Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Pilotage Commission with certain modifications; to amend Section 33-4-3, Code of Alabama 1975, so as to provide that commissioners after a specified date shall be confirmed by the Senate.

was taken up.



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The question was then on the adoption of the amendment reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend S. 83 on Page 2, beginning on line 3, by inserting a period (.) after the word "qualified" and striking the remainder of of that sentence.

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 69; Nays 10.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Moore, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Venable, Warren and Wren.

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Nay:

Representatives Collins, Hogan, Millican, Mitchell, Morrison, Pringle, Turner, Turnham, Vance and Willis.

-10

And the bill, S. 83, as amended, was read a third time at length and passed.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Pringle,

Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 274. DECLARING THAT PRECLEARED JUDICIAL POSITIONS BE FILLED BY A VOTE OF THE PEOPLE.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

**SIGNING OF HOUSE JOINT RESOLUTION**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**SPECIAL ORDER CALENDAR RESUMED**

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Box, the Budget Isolation Resolution relating to the bill, S. 84, was adopted.

Yeas 80; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E),

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Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Parker (P), Payne, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, Willis and Wren.

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Nay:

Representative Kennedy.

- 1

And the bill:

S. 84. (With Substitute): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Plumbers and Gas Fitters Examining Board with certain modifications; to amend Section 34-37-3, Code of Alabama 1975, so as to provide minority representation on the board.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Plumbers and Gas Fitters Examining Board.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the Sunset Committee recommends the continuance of the Plumbers and Gas Fitters Examining Board.

Section 2. The existence and functioning of the Plumbers and Gas Fitters Examining Board, created and functioning pursuant to Sections 34-37-1 to 34-37-18, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1 and 2 of this act.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Warren, Willis and Wren.

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And the bill, S. 84, as amended, was read a third time at length and passed.

Yeas 89; Nays 0.

Yea:

Representatives Allen, Baker, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson,

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Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Box, the Budget Isolation Resolution relating to the bill, S. 93, was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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And the bill:

S. 93. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Social Work Examiners.

was read a third time at length and passed.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci,

Parker (P), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Turner, Turnham, Vance, Warren, Willis and Wren.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Box, the Budget Isolation Resolution relating to the bill, S. 94, was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Cams, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hooper, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Parker (P), Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Wren.

-81

And the bill:

S. 94. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Telecommunications Division of the Department of Finance.

was read a third time at length and passed.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Cams, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Parker (P), Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (J),

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Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-87

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Hogan, the Budget Isolation Resolution relating to the bill, S. 76, was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hooper, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Wren.

-87

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 282. COMMENDING MARY S. ZOGHBY AS THE 1995 MOBILIAN OF THE YEAR.

McDOWELL LEE  
Secretary

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 268. NAMING A PORTION OF U. S. HIGHWAY 43 THE A.W. TODD HIGHWAY.

Also:

H.J.R. 287. COMMENDING ROY H. LADD, SR., FOR OUTSTANDING CONTRIBUTIONS TO THE YOUTH OF OUR STATE AND NATION.

McDOWELL LEE  
Secretary

**S. 76 TAKEN UP**

And the bill:

S. 76. (With Substitute): Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Heating and Air Conditioning Contractors with certain modifications; to amend Section 34-31-20, Code of Alabama 1975, so as to provide minority representation on the board.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Heating and Air Conditioning Contractors.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the Sunset Committee recommends the continuance of the State Board of Heating and Air Conditioning Contractors.



Section 2. The existence and functioning of the State Board of Heating and Air Conditioning Contractors, created and functioning pursuant to Sections 34-31-1 to 34-31-34, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1 and 2 of this act.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-88

And the bill, S. 76, as amended, was read a third time at length and passed.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Wren.

-82

#### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Hogan, the Budget Isolation Resolution relating to the bill, S. 77, was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Perdue, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-85

And the bill:

S. 77. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Liquefied Petroleum Gas Board.

was read a third time at length and passed.

Yeas 89; Nays 0.

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Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-89

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Hogan, the Budget Isolation Resolution relating to the bill, S. 79, was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Perdue, Pringle, Robinson, Rogers (M), Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, Willis and Wren.

-79

And the bill:

S. 79. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Mine Personnel.

was read a third time at length and passed.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, Willis and Wren.

-82

### BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Sanderford, the Budget Isolation Resolution relating to the bill, S. 68, was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Perdue, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Warren, Willis and Wren.

-76

And the bill:

S. 68. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Public Accountancy.

was read a third time at length and passed.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Perdue, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, Willis and Wren.

-83

### BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Sanderford, the Budget Isolation Resolution relating to the bill, S. 72, was adopted.

Yeas 80; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-80

Nay:

Representatives Gaines and Morrison.

- 2

And the bill:

S. 72. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Cosmetology until October 1, 1997.

was read a third time at length and passed.

Yeas 79; Nays 2.

Yea:

Mr. Speaker, Baker, Black (M), Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-79

Nay:

Representatives Gaines and Morrison.

- 2

### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Sanderford, the Budget Isolation Resolution relating to the bill, S. 87, was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-83

And the bill:

S. 87. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Public Service Commission.

was read a third time at length and passed.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable and Warren.

-78

### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Sanderford, the Budget Isolation Resolution relating to the bill, S. 90, was adopted.

Yeas 83; Nays 3.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-83

Nay:

Representatives Clouse, Moore and Seibenhener.

- 3

And the bill:

S. 90. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Real Estate Commission.

was read a third time at length and passed.

Yeas 81; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

-81

Nay:

Representatives Clouse and Seibenhener.

- 2

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 15. COMMENDING WILLA ALFORD AS 1995 ALABAMA TEXTILE CITIZEN OF THE YEAR.



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Also:

S.J.R. 17. MOURNING THE DEATH OF ROBERT H. WILDER, SR., OF DADEVILLE, ALABAMA.

Also:

S.J.R. 19. COMMENDING JEFF OLIVER AS 1995 ALTERNATE ALABAMA TEXTILE CITIZEN OF THE YEAR.

Also:

S.J.R. 20. MOURNING THE DEATH OF HUGH BRYANT BYRD OF LEE COUNTY, ALABAMA.

Also:

S.J.R. 21. COMMENDING J. L. CHESTNUT, JR., ON HIS PAST AND CONTINUING COMMITMENT TO THE CAUSE OF CIVIL RIGHTS.

Also:

S.J.R. 24. COMMENDING JOSEPH MALLISHAM FOR OUTSTANDING SERVICE TO THE TUSCALOOSA COUNTY COMMISSION.

Also:

S.J.R. 33. COMMENDING HOCKEY COACH DOUG ROSS OF THE UNIVERSITY OF ALABAMA IN HUNTSVILLE.

Also:

S.J.R. 36. MOURNING THE DEATH OF WILLIAM H. BECKWITH, SR., OF AUBURN, ALABAMA.

Also:

S.J.R. 37. COMMENDING FROHSIN'S DEPARTMENT STORE AND THE FROHSIN FAMILY FOR THEIR OUTSTANDING LEADERSHIP ROLE IN THE ALEXANDER CITY COMMUNITY.

Also:

S.J.R. 40. COMMENDING THE MEEK HIGH SCHOOL LADY TIGER VARSITY BASKETBALL TEAM ON ITS 1996 WINSTON COUNTY CHAMPIONSHIP.

Also:

S.J.R. 41. COMMENDING THE WINSTON COUNTY HIGH SCHOOL VARSITY BOYS BASKETBALL TEAM ON ITS SECOND COUNTY CHAMPIONSHIP.

Also:

S.J.R. 42. DESIGNATING THE BIG NANCE CREEK BRIDGE AS THE "REPRESENTATIVE SAM LETSON BRIDGE."

Also:

S.J.R. 45. COMMENDING FREDERICK F. DENTON, JR., FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

Also:

S.J.R. 46. COMMENDING SENATOR CHARLES LANGFORD FOR HIS LEADERSHIP IN THE CIVIL RIGHTS MOVEMENT.

Also:

S.J.R. 57. COMMENDING YETTA G. SAMFORD, JR., AS 1995 DISTINGUISHED CITIZEN OF THE YEAR.

McDOWELL LEE  
Secretary

### **SIGNING OF SENATE JOINT RESOLUTIONS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

### **SPECIAL ORDER CALENDAR RESUMED**

### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Millican, the Budget Isolation Resolution relating to the bill, S. 70, was adopted.

Yeas 72; Nays 0.

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Yea:

Mr. Speaker, Allen, Black (M), Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

-72

And the bill:

S. 70. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Auctioneers.

was read a third time at length and passed.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable and Willis.

-82

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Millican, the Budget Isolation Resolution relating to the bill, S. 89, was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Baker, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-80

And the bill:

S. 89. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Real Estate Appraisers Board.

was read a third time at length and passed.

Yeas 80; Nays 2.

Yea:

Representatives Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-80

Nay:

Representatives Clouse and Seibenhener.

- 2

#### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Millican, the Budget Isolation Resolution relating to the bill, S. 92, was adopted.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Baker, Black (M), Boyd, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-75

And the bill:

S. 92. (With Substitute): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Securities Commission with certain modifications; to amend Section 8-6-51, Code of Alabama 1975, so as to provide minority representation on the commission.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Securities Commission.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the Sunset Committee recommends the continuance of the Alabama Securities Commission.

Section 2. The existence and functioning of the Alabama Securities Commission, created and functioning pursuant to Sections 8-6-50 to 8-6-60, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1 and 2 of this act.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Baker, Black (M), Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McClammy, McDaniel, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

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And the bill, S. 92, as amended, was read a third time at length and passed.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

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**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 282. COMMENDING MARY S. ZOGHBY AS THE 1995 MOBILIAN OF THE YEAR.

Also:

H.J.R. 268. NAMING A PORTION OF U. S. HIGHWAY 43 THE A.W. TODD HIGHWAY.

Also:

H.J.R. 287. COMMENDING ROY H. LADD, SR., FOR OUTSTANDING CONTRIBUTIONS TO THE YOUTH OF OUR STATE AND NATION.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

**SIGNING OF HOUSE JOINT RESOLUTIONS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**SPECIAL ORDER CALENDAR RESUMED**

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Mitchell, the Budget Isolation Resolution relating to the bill, S. 74, was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, McClammy, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

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And the bill:

S. 74. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Funeral Service.

was read a third time at length and passed.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

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#### **BUDGET ISOLATION RESOLUTION OFFERED**

Representative Mitchell offered the motion to adopt the Budget Isolation Resolution relating to the bill, S. 85.



**BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER**

On motion of Representative Turnham, the bill, S. 85, and the pending Budget Isolation Resolution were temporarily carried over.

Yeas 67; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Gaston, Guin, Hall (A), Hamilton, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Seibenhener, Sims, Smith, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White, Willis and Wren.

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Nay:

Representatives Maul and Thomas (D).

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**MOTION TO RECONSIDER ADOPTED**

Having voted on the prevailing side, Representative Willis offered the motion to reconsider the vote by which the Budget Isolation Resolution relating to the bill, S. 66, was lost, and the motion to reconsider was adopted.

Yeas 47; Nays 32.

Yea:

Mr. Speaker, Allen, Burke, Carns, Carter, Collins, Curry, Dean, Flowers, Gaines, Gaston, Hamilton, Hammett, Haney, Hill, Hogan, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maul, McDaniel, McKee, McMillan, Moore, Morton, Papucci, Payne, Penry, Petelos, Pringle, Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable and Willis.

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Nay:

Representatives Baker, Black (L), Black (M), Boyd, Buskey, Carothers, Clouse, Dolbare, Drake, Ford, Galliher, Graham, Guin, Hall (A), Hayden, Hilliard, Houston, Kennedy, Knight (J), McAdory, McClammy, Melton, Millican, Minnifield, Mitchell, Morrow, Newton (D), Page, Reed, Robinson, Rogers (M) and Warren.

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### **BUDGET ISOLATION RESOLUTION LOST**

The motion offered by Representative Hammett to adopt the Budget Isolation Resolution relating to the bill, S. 66, was again lost, lacking a three-fifths vote.

Yeas 47; Nays 32.

Yea:

Mr. Speaker, Allen, Burke, Carns, Carter, Collins, Curry, Dean, Flowers, Gaines, Gaston, Hammett, Haney, Hill, Hogan, Hooper, Johnson (R), Jorgensen, Knight (A), Layson, Lindsey, Maull, McDaniel, McKee, McMillan, Moore, Morton, Papucci, Payne, Penry, Petelos, Pringle, Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representatives Baker, Black (L), Black (M), Boyd, Buskey, Carothers, Clouse, Dolbare, Drake, Ford, Galliher, Gipson, Graham, Guin, Hall (A), Hayden, Hilliard, Houston, Kennedy, Knight (J), McAdory, McClammy, Melton, Millican, Minnifield, Morrow, Newton (D), Page, Reed, Robinson, Rogers (M) and Spratt.

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### **PERMISSION GRANTED**

Permission was granted for the Journal to reflect that Representatives Mitchell and Hall (L) intended to vote "Nay" on the motion offered by Representative Hammett to adopt the Budget Isolation Resolution relating to the bill, S. 66.

### **MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 430. To amend Sections 11-47-210 to 11-47-219, inclusive, Code of Alabama 1975, which empower municipalities to acquire and manage public parks, playgrounds, and other recreational or athletic facilities and which provide for the formation of authorities to act on behalf of the municipalities in exercising the powers; to provide further for definitions for particular terms relating to certain public corporations and for the types of properties and facilities that are subject to being acquired and managed pursuant to Article 9 of Chapter 47 of Title 11 of the Code of Alabama 1975; to grant to any county the powers granted to municipalities by the article; to provide with more specificity for the procedure to be followed in organizing an authority pursuant to the article; to modify the article respecting the composition of the governing body of the authority and to further define and expand the powers to be enjoyed by the authority; to empower the authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds, and other obligations payable solely out of the revenues, receipts, income, funds, or other sources specified in the proceedings under which the bonds, notes, or other obligations are issued; to authorize the authority to pledge its revenues and mortgage or assign its assets as security for its notes, bonds, or other obligations; to provide for the issuance of refunding bonds, notes, or other obligations by an authority for the purpose of refunding bonds, notes, or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment, or pledge created or made by the authority; to provide that the notes, bonds, and other obligations of the authority shall constitute negotiable instruments; to provide that the notes, bonds, and other obligations of the authority may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the state the property, corporate activities, revenues, and income of the authority, the transactions or actions to which the authority is a party or in which it may be involved, and the notes, bonds, and all other obligations of the authority and the interest on the notes, bonds, and obligations; to exempt the authority from all laws of the state governing usury or prescribing or limiting interest rates; to provide that any county, municipality, or other political subdivision, agency, or instrumentality of the state or any county or municipality may aid and cooperate with the authority, lend or donate money or perform services for the benefit thereof and, without the necessity of an election, donate, sell, convey, transfer, lease, or grant thereto any property of any kind; to authorize any county or municipality to enter into contracts providing for periodic monetary payments by the county or municipality to the authority, or for its benefit, to serve as a source of payment for notes, bonds, or other obligations of the authority; to specify the extent to which such a contract shall constitute or result in a debt of the county or municipality for purposes of any applicable limitation on indebtedness imposed by the constitution or other laws of the state; to provide that the authority shall be a not-for-profit corporation; to provide that such an authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes, or other obligations by the authority, and to provide that any action or proceeding questioning the validity of the bonds, notes, or other obligations, or instruments securing the same, shall be commenced within 30 days after the first publication of the notice; to provide that revenue obligations issued by any public authority shall not create an obligation or debt of the State of

Alabama nor shall any state funds be used to retire the principal and interest of any indebtedness issued pursuant to this act; and to provide that the provisions of this act shall be severable.

McDOWELL LEE  
Secretary

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 77. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Liquefied Petroleum Gas Board.

Also:

S. 93. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Social Work Examiners.

Also:

S. 94. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Telecommunications Division of the Department of Finance.

McDOWELL LEE  
Secretary

### SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 69. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alcoholic Beverage Control Board.

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Also:

S. 81. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Oil and Gas Board.

McDOWELL LEE  
Secretary

**SIGNING OF SENATE BILLS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

**SPECIAL ORDER CALENDAR RESUMED**

The question was then on the motion previously offered by Representative Mitchell to adopt the Budget Isolation Resolution relating to the bill, S. 85.

**MOTION TO RECESS LOST**

The motion offered by Representative Thomas (D) that the House recess until 1:30 o'clock p.m. was lost.

Yeas 21; Nays 52.

Yea:

Representatives Black (L), Clouse, Curry, Gaines, Haney, Hill, Hilliard, Houston, Jorgensen, Knight (A), McAdory, McKee, Moore, Morton, Rogers (J), Rogers (M), Sanderford, Sanderson, Spratt, Thomas (D) and Turner.

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Nay:

Mr. Speaker, Allen, Baker, Black (M), Box, Buskey, Carns, Carothers, Collins, Dean, Dolbare, Drake, Ford, Galliher, Gaston, Hall (A), Hall (L), Hamilton, Hayden, Hinshaw, Hogan, Holmes, Hooper, Johnson (R), Kennedy, Laird, Layson, Lindsey, McClammy, McDaniel, Melton, Millican, Mitchell, Morrow, Murphree, Newton (D), Papucci, Parker (P), Payne, Pringle, Robinson, Seibenhener, Sims, Smith, Starkey, Thomas (J), Townsend, Turnham, Vance, Warren, Willis and Wren.

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**SPECIAL ORDER CALENDAR RESUMED****BUDGET ISOLATION RESOLUTION CARRIED OVER**

The question was then on the motion previously offered by Representative Mitchell to adopt the Budget Isolation Resolution relating to the bill, S. 85, and on motion of Representative Carothers, the bill, S. 85, and the pending Budget Isolation Resolution were carried over to the fifteenth legislative day.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, Willis and Wren.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Hogan, the Budget Isolation Resolution relating to the bill, S. 78, was adopted.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hayden, Hill, Hilliard, Hinshaw, Holmes, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Willis and Wren.

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And the bill:

S. 78. (With Substitute): To make certain statutory changes to the Alabama Liquefied Petroleum Gas Board suggested by the Alabama Sunset Committee pursuant to Section 41-20-5, Code of Alabama 1975; to amend Section 9-17-101, Code of Alabama 1975, relating to the board, so as to provide minority representation on the board.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To make certain statutory changes to the Alabama Liquefied Petroleum Gas Board suggested by the Alabama Sunset Committee pursuant to Section 41-20-5, Code of Alabama 1975; to amend Section 9-17-101, Code of Alabama 1975, relating to the board, so as to increase the membership of the board to eight; to provide minority representation on the board; and to provide that the seat of appointed members who cease employment in the industry be vacated after 90 days.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 9-17-101 of the Code of Alabama 1975, is amended to read as follows:

"§9-17-101.

"(a) There is hereby created and established the Alabama Liquefied Petroleum Gas Board. ~~Such~~ The board shall be composed of ~~seven~~ eight members: the State Fire Marshal; the State Director of Public Safety; the President of the Alabama Public Service Commission; ~~and~~ four members who are representatives of the liquefied petroleum gas retail Class A permit holders; and one member who is a member of a minority and a representative of the liquefied petroleum gas retail Class A permit holders.

"(b) Members of the board who are representatives of the liquefied petroleum gas retail permit holders shall have been legal residents of the State of Alabama for at least five years next preceding the date of appointment and shall have been actively engaged in the retail distribution of liquefied petroleum gas in this state for a period of at least five years. No retail Class A permit holder shall have more than one representative on the board at any one time. It is the legislative intent that no single corporation or partnership comprised of separate

entities within the state, whether or not separately licensed, be represented on the board by more than one representative at any one time.

"(c) From each of four substantially equal geographical areas of the state, designated as the southeast, the northeast, the northwest and the southwest, the Governor shall appoint one retail permit holder member of the board. ~~Such~~ The member shall be appointed from a list of at least three nominees receiving the largest number of votes according to written ballots executed by representatives of retail Class A permit holders.

"(d) In the event the Governor has not appointed a board member at the end of 90 days after the list of retail permit holders has been submitted to him or her, the person on the list having the most votes shall become the board member. In the event of a tie for the most votes, a majority vote of the board members will select which person of those tied will become the board member.

"(e) The initial minority member of the board shall be appointed by the Governor from a list of at least three nominees receiving the largest number of votes according to written ballots executed by representatives of retail Class A permit holders from the state at-large. The balloting for the initial minority board member shall be held in 1998.

"~~(e)~~ (f) In the event a vacancy occurs during a board member's term, the administrator shall call an election to fill the vacancy and the election shall be held and conducted pursuant to subsection ~~(f)~~ (g). When an elected board member sells his or her LP-gas business or for any reason is no longer actively engaged in the day-to-day operation of an LP-gas business, his or her seat on the board shall be automatically vacated by the completion of the next regularly scheduled board meeting. When any other board member ceases to be employed in the LP-gas industry, his or her seat on the board shall be automatically vacated 90 days after the date employment has ceased.

"~~(f)~~ (g) The balloting for board members, successor members, and filling vacancies for an unexpired term of office shall be conducted by the administrator of the board under the direction and supervision of the board. For appointments and vacancies, the administrator shall forward by ~~registered or~~ certified mail an official ballot to each retail permit holder or his or her duly designated representative with instructions for executing the ballot and returning it to the board. The terms of all board members shall be for six years, including members serving on March 20, 1992, but no member shall be denied the right to succeed himself or herself, provided, however, no member shall serve more than two consecutive terms of office.

"~~(g)~~ (h) The board shall elect its own ~~chairman~~ chair and ~~vice-chairman~~ vice-chair at its first regular meeting each calendar year. All meetings of the board shall be held at Montgomery, Alabama, and shall be on a prescribed date, at least quarterly, and at such time as a majority of the board members may request in writing to the board ~~chairman~~ chair. Any four members shall constitute a quorum



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for the transaction of any business which may come before the board. The board shall have the power to adopt bylaws and rules of administrative procedure, pursuant to the state administrative procedure statutes.

~~"(h)~~ (i) The board shall have the power and authority to promulgate rules and regulations having the force and effect of law to carry out the provisions of this article."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 122. To provide for a supplemental appropriation from the State General Fund for the fiscal year ending September 30, 1996, in the amount of \$7,588,000 to various state agencies; to provide for a supplemental appropriation from the Special Mental Health Fund of \$2,000,000 to the Department of Mental Health and Mental Retardation for the fiscal year ending September 30, 1996; to provide for the expanded use of the fiscal year 1996 appropriation to the Alabama Agricultural Museum Board; to provide for a supplemental appropriation to the Alabama Forestry Commission from the Forestry Commission Fund in the amount of \$1,500,000 for the fiscal year ending September 30, 1996; and to provide for an effective date.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Freeman, Bailey, and Sanders.

McDOWELL LEE  
Secretary

**MOTION TO ADJOURN ADOPTED**

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 1:00 o'clock p.m. on Tuesday, April 2, 1996, and the motion was adopted.

**CERTIFICATE OF CLERK**

To the House of Representatives:

I hereby certify that the House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:10 A.M. on March 21, 1996.

H.J.R. 274

Delivered to the Governor at 11:36 A.M. on March 21, 1996.

H.J.R. 282

H.J.R. 268

H.J.R. 287

GREG PAPPAS  
Clerk

**ADJOURNMENT**

On motion of Representative Seibenhener, the House adjourned until 1:00 o'clock p.m., Tuesday, April 2, 1996.

Yeas 53; Nays 16.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Buskey, Carns, Curry, Dean, Dolbare, Gaines, Galliher, Gaston, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Holmes, Hooper, Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Petelos, Pringle, Reed, Sanderford, Sims, Spratt, Thomas (J), Turner and Vance.

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Nay:

Representatives Box, Carothers, Clouse, Collins, Gipson, Hall (A), Johnson (R), Knight (A), Mitchell, Moore, Sanderson, Smith, Thomas (D), Townsend, Turnham and Wren.

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**FIFTEENTH DAY**

**House of Representatives  
Montgomery, Alabama  
Tuesday, April 2, 1996**

The House met pursuant to adjournment.

**PRAYER**

The session was opened with prayer by Reverend Mark D. Labranche, St. Mark Methodist Church, Montgomery, Alabama.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Seana Weaver, 9th Grade, T.R. Miller High School, Brewton, Alabama.

**ROLL CALL**

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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A quorum was present.

**REPORT OF STANDING COMMITTEE ON RULES**

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourteenth legislative day and finds the same to be correct.

**TOMMY CARTER**  
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the fourteenth legislative day was dispensed with.

**LEAVE OF ABSENCE**

At the request of Representative Murphree, leave of absence was granted for Representative Morrow.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 430. To amend Sections 11-47-210 to 11-47-219, inclusive, Code of Alabama 1975, which empower municipalities to acquire and manage public parks, playgrounds, and other recreational or athletic facilities and which provide for the formation of authorities to act on behalf of the municipalities in exercising the powers; to provide further for definitions for particular terms relating to certain public corporations and for the types of properties and facilities that are subject to being acquired and managed pursuant to Article 9 of Chapter 47 of Title 11 of the Code of Alabama 1975; to grant to any county the powers granted to municipalities by the article; to provide with more specificity for the procedure to be followed in organizing an authority pursuant to the article; to modify the article respecting the composition of the governing body of the authority and to further define and expand the powers to be enjoyed by the authority; to empower the authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds, and other obligations payable solely out of the revenues, receipts, income, funds, or other sources specified in the proceedings under which the bonds, notes, or other obligations are issued; to authorize the authority to pledge its revenues and mortgage or assign its assets as security for its notes, bonds, or other obligations; to provide for the issuance of refunding bonds, notes, or other obligations by an authority for the purpose of refunding

bonds, notes, or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment, or pledge created or made by the authority; to provide that the notes, bonds, and other obligations of the authority shall constitute negotiable instruments; to provide that the notes, bonds, and other obligations of the authority may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the state the property, corporate activities, revenues, and income of the authority, the transactions or actions to which the authority is a party or in which it may be involved, and the notes, bonds, and all other obligations of the authority and the interest on the notes, bonds, and obligations; to exempt the authority from all laws of the state governing usury or prescribing or limiting interest rates; to provide that any county, municipality, or other political subdivision, agency, or instrumentality of the state or any county or municipality may aid and cooperate with the authority, lend or donate money or perform services for the benefit thereof and, without the necessity of an election, donate, sell, convey, transfer, lease, or grant thereto any property of any kind; to authorize any county or municipality to enter into contracts providing for periodic monetary payments by the county or municipality to the authority, or for its benefit, to serve as a source of payment for notes, bonds, or other obligations of the authority; to specify the extent to which such a contract shall constitute or result in a debt of the county or municipality for purposes of any applicable limitation on indebtedness imposed by the constitution or other laws of the state; to provide that the authority shall be a not-for-profit corporation; to provide that such an authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes, or other obligations by the authority, and to provide that any action or proceeding questioning the validity of the bonds, notes, or other obligations, or instruments securing the same, shall be commenced within 30 days after the first publication of the notice; to provide that revenue obligations issued by any public authority shall not create an obligation or debt of the State of Alabama nor shall any state funds be used to retire the principal and interest of any indebtedness issued pursuant to this act; and to provide that the provisions of this act shall be severable.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

### **SIGNING OF HOUSE BILL**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**MOTION TO ADJOURN ADOPTED**

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 1:00 o'clock p.m. on Wednesday, April 3, 1996, and when the House adjourns on Wednesday, it adjourns to meet again at 9:00 a.m. on Thursday, April 4, 1996, and the motion was adopted.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 33. To repeal in its entirety Act 95-762 and to make a \$6,616,000 supplemental appropriation from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1996, to the State Board of Education to be distributed to six local boards of education for capital outlay purposes for the construction of or repairs to schools damaged by windstorm or fire.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

On motion of Representative Laird, the House concurred in and adopted the Senate amendment to the bill, H. 33, said Senate amendment being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To repeal in its entirety Act 95-762 and to make a \$6,616,000 supplemental appropriation from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1996, to the State Board of Education to be distributed to six local boards of education for capital outlay purposes for the construction of or repairs to schools damaged by windstorm or fire. To repeal Section 2 of Act 94-827 and to make a \$100,000 supplemental appropriation from the Alabama Special Educational Trust Fund for fiscal year ending September 30, 1996, to the Calhoun County Board of Education for capital outlay purposes.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Act 95-762 passed by the Alabama State Legislature during its 1995 Regular Session is repealed in its entirety.

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Section 2. There is hereby appropriated for the fiscal year ending September 30, 1996, to the State Board of Education the sum of six million six hundred sixteen thousand dollars (\$6,616,000) out of the funds of the Alabama Special Educational Trust Fund to be used for capital outlay purposes for the construction of or repairs to schools damaged by windstorm or fire. The funds are to be distributed by the State Board of Education as follows:

(a)	Randolph County Board of Education.....	2,500,000
(b)	Cullman County Board of Education.....	1,216,000
(c)	Etowah County Board of Education.....	100,000
(d)	Madison County Board of Education.....	200,000
(e)	Geneva County Board of Education.....	1,500,000
(f)	DeKalb County Board of Education.....	1,100,000

Section 3. Section 2 of Act 94-827 as passed during the 1994 First Special Session is repealed.

Section 4. There is appropriated to the Calhoun County Board of Education from the Alabama Special Educational Trust Fund the sum of \$100,000 for the fiscal year ending September 30, 1996. The appropriation shall be in addition to any and all other funds heretofore or hereafter appropriated to the Calhoun County Board of Education and shall be used for capital outlay purposes. It is the intent of the Legislature that the appropriation made in this section to the Calhoun County Board of Education is made in lieu of the appropriation previously made in Act 94-827 during the 1994 First Special Session.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Gaston, Gipson, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Houston, Johnson (R), Knight (A), Laird, Layson, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne,

Penry, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (J), Townsend, Turnham, Vance, Warren and Wren.

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RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 292. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the fifteenth legislative day, Tuesday, April 2, 1996, taking precedence over the regular order of business or any pending or unfinished business.

And the Following bills:

Inst Id	Page
S. 66 (By Bailey)	113
Insurance Dept., sunset law review, continued	
S. 85 (By Bailey)	2
Psychology, Bd. of Examiners in, sunset law review, continued	

Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the following bills:

Inst Id	Page
S. 78 (By Bailey)	3
Liquefied Petroleum Gas Bd., minority representation on bd. provided, Sunset recommendations, Sec. 9-17-101 am'd.	



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S. 80 (By Bailey)

115

Mine Personnel, Bd. of Examiners of, minority representation on bd. provided, Sunset recommendations, Sec. 25-9-9 am'd.

S. 73 (By Bailey)

114

Cosmetology, Bd. of, terms of membs. clarified, Sunset recommendations, Sec. 34-7-40 am'd.

S. 88 (By Bailey)

116

Public Service Comm., meeting days provided in the event of a holiday, Sunset recommendations, Sec. 37-1-8 am'd.

S. 91 (By Bailey)

116

Real Estate Comm., public membs. added, notification re disposition of complaint req., Sunset recommendations, Secs 34-27-2, 34-27-7, 34-27-32, 34-27-35, 34-27-36 am'd.

S. 71 (By Bailey)

113

Auctioneers, Bd. of, license fees and qualifications of membs. clarified, minority representation provided, Sunset recommendations, Secs. 34-4-21, 34-4-50 am'd., Sec. 34-4-27 repealed

S. 75 (By Bailey)

115

Funeral Service, Bd. of, regulations to comply with Administrative Procedure Act, references to branch funeral establishments deleted, Sunset recommendations, Secs. 34-13-26, 34-13-111 am'd.

S. 86 (By Bailey)

116

Psychology, Bd. of Examiners in, public membs. exempt from nomination process to fill vacancies, Sunset recommendations, Sec. 34-26-21 am'd.

On motion of Representative Carter, the resolution, H.R. 292, was adopted.

**SPECIAL ORDER CALENDAR**

The House then proceeded with the consideration of the Special Order Calendar.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Hammett, the Budget Isolation Resolution relating to the bill, S. 66, was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Melton, Mitchell, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Pringle, Reed, Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

S. 66. (With Substitute): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Department of Insurance.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration to the bill, S. 66, said committee substitute being as follows:

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Department of Insurance with certain modifications; to amend Sections 27-8-16, 27-8-19, and 27-8-20, Code of Alabama 1975, providing for material or fraudulent misrepresentations, omissions, concealment of facts, and dishonest acts or omissions by an insurance agent who sells insurance; to provide further for the regulation of insurance agents who sell insurance, the revocation of the license of the agent or other penalties and remedial measures, and to provide for an exemption of liability for punitive damages for certain insurance companies or corporations that have documented remedial action to motivate the agent to cease or desist from unethical or inappropriate behavior.

**SUBSTITUTE TABLED**

On motion of Representative Hammett, the committee substitute was tabled.

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Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill, S. 66, was read a third time at length and passed.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Starkey, Thomas (D), Thomas (J), Turner, Vance, Venable, Warren, White, Willis and Wren.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Mitchell, the Budget Isolation Resolution relating to the bill, S. 85, which was offered by him on the fourteenth legislative day was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White and Wren.

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### **S. 85 TEMPORARILY CARRIED OVER**

On motion of Representative Carothers, the bill, S. 85, was temporarily carried over by a three-fifths voice vote in accordance with Section 41-20-10(b), Code of Alabama.

### **S. 78 TAKEN UP**

And the bill:

S. 78. (With Substitute): To make certain statutory changes to the Alabama Liquefied Petroleum Gas Board suggested by the Alabama Sunset Committee pursuant to Section 41-20-5, Code of Alabama 1975; to amend Section 9-17-101, Code of Alabama 1975, relating to the board, so as to provide minority representation on the board.

and the pending substitute reported by the Standing Committee on State Administration on the fourteenth legislative day was taken up.

### **TIME TO DEBATE EXPIRED**

In accordance with the resolution, H.R. 292, the time to debate the bill, S. 78, and the pending substitute reported by the Standing Committee on State Administration expired and the Speaker proceeded to the next bill on the Special Order Calendar.

**BUDGET ISOLATION RESOLUTION OFFERED**

Representative Hogan offered the motion to adopt the Budget Isolation Resolution relating to the bill, S. 80.

**TIME TO DEBATE EXPIRED**

In accordance with the resolution, H.R. 292, the time to debate the bill, S. 80, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

**BUDGET ISOLATION RESOLUTION OFFERED**

Representative Sanderford offered the motion to adopt the Budget Isolation Resolution relating to the bill, S. 73.

**TIME TO DEBATE EXPIRED**

In accordance with the resolution, H.R. 292, the time to debate the bill, S. 73, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 33. To repeal in its entirety Act 95-762 and to make a \$6,616,000 supplemental appropriation from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1996, to the State Board of Education to be distributed to six local boards of education for capital outlay purposes for the construction of or repairs to schools damaged by windstorm or fire. To repeal Section 2 of Act 94-827 and to make a \$100,000 supplemental appropriation from the Alabama Special Educational Trust Fund for fiscal year ending September 30, 1996, to the Calhoun County Board of Education for capital outlay purposes.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

**SIGNING OF HOUSE BILL**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**SPECIAL ORDER CALENDAR RESUMED****BUDGET ISOLATION RESOLUTION OFFERED**

Representative Sanderford offered the motion to adopt the Budget Isolation Resolution relating to the bill, S. 88.

**TIME TO DEBATE EXPIRED**

In accordance with the resolution, H.R. 292, the time to debate the bill, S. 88, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

**BUDGET ISOLATION RESOLUTION OFFERED**

Representative Sanderford offered the motion to adopt the Budget Isolation Resolution relating to the bill, S. 91.

**TIME TO DEBATE EXPIRED**

In accordance with the resolution, H.R. 292, the time to debate the bill, S. 91, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

**BUDGET ISOLATION RESOLUTION OFFERED**

Representative Box offered the motion to adopt the Budget Isolation Resolution relating to the bill, S. 71.

**TIME TO DEBATE EXPIRED**

In accordance with the resolution, H.R. 292, the time to debate the bill, S. 71, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

**BUDGET ISOLATION RESOLUTION OFFERED**

Representative Mitchell offered the motion to adopt the Budget Isolation Resolution relating to the bill, S. 75.

**TIME TO DEBATE EXPIRED**

In accordance with the resolution, H.R. 292, the time to debate the bill, S. 75, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

**BUDGET ISOLATION RESOLUTION OFFERED**

Representative Mitchell offered the motion to adopt the Budget Isolation Resolution relating to the bill, S. 86.

**TIME TO DEBATE EXPIRED**

In accordance with the resolution, H.R. 292, the time to debate the bill, S. 86, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

**BILLS ON SECOND READING**

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 389. (With Amendment): To provide a cost of living increase in pension benefits to certain members and certain beneficiaries of members of the teachers' and employees' retirement systems; to provide for the funding for the increase; and to provide that no person shall be entitled to receive the increase in benefits granted in this act if receipt of the increase would jeopardize the eligibility of a person to receive Medicaid benefits.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 298. Proposing an amendment to the Constitution of Alabama of 1901, to provide that public officials may participate in the Employees' Retirement System of Alabama in lieu of participating in a supernumerary program or system.

The above bill was read a second time at length as required by the Constitution.

H. 390. To provide distinctive motor vehicle license tags or plates for supporters of the Old Cahawba Capitol Site; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 290. (With Amendment): Creating the Department of Revenue Permanent Legislative Oversight Committee and providing for its duties and compensation.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 511. To provide distinctive motor vehicle license tags or plates for supporters of the Alabama Shakespeare Festival; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; to provide for an appropriation; and to provide for a delayed effective date.

H. 378. Relating to motor vehicle distinctive license tags or plates; to amend Section 32-6-302 of the Code of Alabama 1975, relating to the issuance of distinctive license tags or plates to certain educators and retired educators; to allow spouses of the educators to purchase the distinctive license tags or plates; to further provide for distinctive motor vehicle license tags or plates for members of the Most Worshipful Grand Lodge of the Free and Accepted Masons of the State of Alabama, Scottish Rite Masons, emergency medical technicians, supporters of the Alabama Boy Scouts Stewardship Education Committee, and the Alabama Girl Scouts; to provide for the fees for the distinctive license tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

H. 612. To make an appropriation from the State General Fund for the relief of Freddie Lee Gaines of Jefferson County wrongfully convicted of murder and incarcerated for thirteen years.

WHEREAS, in 1972, Freddie Lee Gaines was arrested and held without bond for first degree murder; and

WHEREAS, on October 23, 1974, Mr. Gaines was convicted of first degree murder and sentenced to 30 years; and



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WHEREAS, Mr. Gaines was released from prison on July 6, 1985; and

WHEREAS, on August 17, 1990, in Jacksonville, Florida, while in police custody, Larry Cohen confessed to both of the murders to which Mr. Gaines was charged; and

WHEREAS, on February 12, 1991, the District Attorney in Jefferson County moved and the trial court granted Petition for Relief from conviction; and

WHEREAS, the pain and suffering wrongfully endured by Mr. Gaines and his family are regrettable, and the state is morally obligated to make compensation, but Mr. Gaines has no recourse at law to recover same; now therefore,

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 396. (With Amendment): To amend Section 36-27-57, Code of Alabama 1975, to reopen the Employees' Retirement System for purchase of credit for certain prior service with a district attorney.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 562. (With Substitute): To make an appropriation of \$25,000 from the Education Trust Fund for the support and maintenance of the D. Day School in Cherokee County for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 420. To amend Section 40-26-1, Code of Alabama 1975, relating to the state transient occupancy tax, to provide that tuition and fees charged by summer camps and similar conference facilities providing programs for children, certain students, and members or guests of certain nonprofit organizations are exempt from the transient occupancy tax; and to provide a retroactive effective date.

S. 19. To amend Section 40-26-1, Code of Alabama 1975, relating to the state transient occupancy tax, to provide that tuition and fees charged by summer camps and similar conference facilities providing programs for children, certain students, and members or guests of certain nonprofit organizations are exempt from the transient occupancy tax; and to provide a retroactive effective date.

H. 568. Amending Section 16-3-9 of the Code of Alabama 1975, to increase the monthly expense allowance of members of the State Board of Education.

H. 674. To amend Section 36-27-52, Code of Alabama 1975, to provide an exception to mandatory participation in the Employees' Retirement System for a court reporter previously employed on a certain date, who did not elect to be covered by the Employees' Retirement System and who, after a lapse in service, was reemployed as an official court reporter.

H. 80. To exempt from the state sales and use taxes sales by certain schools or school sponsored organizations if the proceeds from the sales are used for the benefit of the school.

H. 514. To exempt all property owned and used by the Alabama Basketball Foundation from any state, county, and local ad valorem taxes.

H. 413. To exempt the Christian Children Homes, Inc., from the payment of all state, county, and municipal sales and use taxes.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 615. (With Substitute): To amend Section 64 of the Constitution of Alabama of 1901, to prohibit either house of the Legislature from voting to adopt a conference committee report on the General Fund Budget or the Education Trust Fund Budget within 72 hours of the receipt of the conference committee report by that house.

The above bill was read a second time at length as required by the Constitution.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 120. To provide for licensure and regulation of massage therapists and massage establishments; to provide for the registration of massage therapy schools and instructors; to create the Alabama Board of Massage Therapy; to create the Alabama Board of Massage Therapy Fund; to provide for an appropriation to the Alabama Board of Massage Therapy from the Alabama Board of Massage Therapy Fund in an amount as deemed necessary for fiscal year 1996-1997; to provide for the duties and powers of the board; and to prescribe penalties for violations of the act.

S. 388. To amend Sections 23-6-2 and 23-6-8 of the Code of Alabama 1975, to provide for the Alabama Industrial Access Road and Bridge Corporation to use an annual appropriation from the State Public Road and Bridge Fund to assure the availability of funds for the cost of constructing certain industrial access roads and bridges; to provide that no further bonds of the corporation shall be issued after the series 1995 bonds dated August 1, 1995; to provide an annual appropriation of \$11,000,000 from the State Public Road and Bridge Fund of the State Department of Transportation to be used for industrial access roads and bridges projects; and to provide for the effective date of this act.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 677. (With Amendment): To amend Section 26-1-2, Code of Alabama 1975, relating to durable powers of attorney; authorizing the appointment of an attorney in fact to make health care decisions on behalf of a principal in the event that the principal can no longer make or communicate those decisions.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 731. (With Substitute) (With Amendments): Relating to health; to define home health services; to authorize the licensure and regulation of home health agencies by the State Board of Health; to provide for fees, and for penalties for violations; to provide for exclusions; to provide for definitions; and to provide for the appointment of the Home Health Licensure Advisory Committee.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 653. To amend Section 38-7-5 of the Code of Alabama 1975, to provide for the provisional approval of foster family homes.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 650. To alter or rearrange the boundary lines of the Town of Fort Deposit, Lowndes County, Alabama, so as to include within the corporate limits of the said Town of Fort Deposit all territory now within such corporate limits and also certain other territory contiguous thereto, in Lowndes County, Alabama.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 703. (With Substitute): Relating to Henry County; providing for an additional transaction fee on mobile homes; providing for an additional transaction fee on certain property when it is assessed for ad valorem taxes; and providing for disposition of funds from the additional fees.

H. 704. (With Substitute): Relating to Henry County; providing for an additional special transaction fee on public business filed and transacted in the office of the judge of probate; and providing for the disposition of funds from the additional fees.

H. 705. (With Substitute): Relating to Henry County; providing for an additional special transaction fee for real property and personal property documents filed and transacted in the office of the judge of probate; and providing for the disposition of funds from the additional fees.

H. 714. (With Substitute): Relating to Calhoun County; to provide for a civil service system governing the appointment, separation, employment, compensation, tenure, and official conduct of employees of the county; define violations of the act and impose penalties for violations; and to repeal Act No. 384, 1969 Regular Session, and Act No. 274, 1975 Regular Session.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 732. Relating to Talladega County, to propose an amendment to the Constitution of Alabama of 1901, to establish the Talladega County Judicial Commission and provide for the filling of vacancies in the office of judge of the circuit court, judge of the district court, or district attorney.

The above bill was read a second time at length as required by the Constitution.

H. 736. Relating to the City of Arab in Cullman and Marshall Counties; terminating a certain sales tax on a certain date.

H. 740. Relating to Autauga County; authorizing the sheriff to operate a jail store and contract telephone installation for inmates; providing for the deposit of monies earned; providing for the distribution and auditing of monies earned.

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S. 340. Relating to Jackson County; amending Section 1 of Act No. 79-349, H. 761 of the 1979 Regular Session (Acts 1979, p. 562), providing that the county commission may levy and collect a severance tax on coal; and providing further for the rate of the severance tax on coal to be collected.

S. 465. Proposing a local constitutional amendment to the Alabama Constitution of 1901, pertaining only to Lauderdale County, to authorize the Legislature by general or local law, from time to time, to alter the costs and charges of courts in the county.

The above bill was read a second time at length as required by the Constitution.

S. 466. Relating to Lauderdale County; to provide additional court costs in criminal cases; and to distribute the proceeds for the county work release program and for county jail purposes.

S. 467. Relating to Lauderdale County; authorizing the county commission to collect certain taxes, licenses, and other fees and revenues currently being collected by the State Department of Revenue.

S. 468. Relating to Lauderdale County; providing for a delinquency fee on delinquent tax payments and providing for disposition of funds from the additional fees.

S. 469. Relating to Lauderdale County; providing for a transaction fee, transfer fee of motor vehicle license tags, and a delinquency fee; and providing for the dispositions of the funds from the fees.

S. 470. Relating to Lauderdale County; to provide for additional recording fees; and to provide for the disposition of the fees.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**S.J.R. 65. URGING SCHOOL OFFICIALS TO CONDUCT STUDENT LOCKER SEARCHES AND USE DRUG DOGS, METAL DETECTORS, AND UNIFORMED POLICE OFFICERS IN SCHOOLS WHEN THE LOCAL BOARD OF EDUCATION DETERMINES SUCH ACTION TO BE NECESSARY, JUSTIFIED, AND APPROPRIATE.**

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 65.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 186. EXPRESSING ADAMANT DISAPPROVAL OF THE PROPOSAL OF FORSYTH COUNTY, GEORGIA, TO TRANSFER SEWAGE WATER INTO THE COOSA RIVER BASIN.**

WHEREAS, with increasing interest and considerable concern and consternation, this legislative body notes the presumptuous plan of Forsyth County, Georgia, part of metro Atlanta, to construct a 42,000,000-gallon-per-day sewage treatment plant on the Chattahoochee River that includes a 25-mile-long diversion discharge pipe to transfer the waste water out of its community and into the Etowah and Coosa Rivers; and

WHEREAS, this ill-conceived pipe dream, an environmentally and economically hazardous scheme to send Forsyth County's waste out of the Chattahoochee River Basin and into the Coosa River Basin, exhibits a remarkable lack of responsibility for one's own obligations and an arrogant contempt and disdain for one's neighbor, a display that both boggles the mind and pricks the patience of the members of this legislative body and poses a true threat to the mutual good will of adjacent communities and the spirit of cooperation currently held by our two states; and

WHEREAS, this unprecedented transfer of sewage from one river basin to another river basin threatens irreparable harm to the Coosa River, a primary watercourse that flows through the heart of this state and affects all aspects of our daily lives, including the provision of an adequate supply of clean and safe water for consumption, industry, agriculture, wildlife, and recreation; and

WHEREAS, the Coosa River is of critical concern to the future economic development of this state and will have an increasingly important impact on the quality of life of our citizens; accordingly, this legislative body will not accept nor tolerate any "pass the buck" attempt to pour into our laps the sewage problems of Forsyth County, Georgia; problems neither created nor contributed to by the people of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That based on the foregoing concerns, we plainly express to the governing body of Forsyth County, Georgia, and to other involved parties, our unanimous and unequivocal opposition to this proposed plan of sewage disposal into the Coosa River Basin and our absolute determination to seek all available avenues of redress if this project is implemented.

BE IT FURTHER RESOLVED, That copies of this declaration be immediately forwarded to the governing body of Forsyth County, Georgia, and to

the appropriate authorities of the United States Environmental Protection Agency so that the sentiments and intentions of this legislative body are clearly and resolutely made known.

On motion of Representative Carter, the resolution, H.J.R. 186, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 280. NAMING THE "EDDIE MARTIN PARKWAY" IN ST. CLAIR COUNTY, ALABAMA.

WHEREAS, in its desire to recognize outstanding achievement, the Alabama Legislature notes with sincere pleasure that native Alabamian Eddie Martin is the holder of the world speed record for wreckers, 109.330 miles per hour, which was set in August 1979, at the Talladega International Speedway Track;

WHEREAS, as a longtime veteran of stunt driving and racing, Mr. Martin came out of retirement to post the record-breaking time, driving a custom made wrecker for the race and for the record; and

WHEREAS, a resident of Pell City in St. Clair County, Eddie Martin currently serves as vice president of Auto Daredevils, an organization of 110 employees with five touring and units which travel the entire United States, Mexico, and Puerto Rico; and

WHEREAS, during 25 years of successful driving, Mr. Martin, in addition to his recent world record is a five-time National Champion and holds official titles as National Point Champion, Canadian Champion, and Ohio State Champion; and

WHEREAS, throughout his long and colorful career, Eddie Martin has brought much fame and honor to his hometown and to the entire State of Alabama, both as a champion and as a beloved and highly respected competitor who came to be known as the "Racing Man's Driver"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate that portion of State Highway 174 in St. Clair County from Highway 231 to Highway 411, as the "Eddie Martin Parkway" in honor of Mr. Martin.

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers designating that portion of State Highway 174, the "Eddie Martin Parkway."

On motion of Representative Carter, the resolution, H.J.R. 280, was adopted.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

#### **H.J.R. 281. MOURNING THE DEATH OF LONNIE RAY KEETON.**

WHEREAS, recorded with deep and abiding sorrow is the lamentable death of Lonnie Ray Keeton, a native of Nauvoo, Alabama, in Walker County, on September 17, 1995; and

WHEREAS, born December 28, 1947, Mr. Keeton was a devoted and obedient servant of God serving the New Zion Baptist Church in such capacities as Chairman of the Church Grounds Committee, and as a member of the Steering Committee; and

WHEREAS, a respected and dedicated employee with United States Steel Mining Company for over 20 years, Mr. Keeton was severely injured while at work on January 17, 1990, and, even though in pain, continued to reach out in care and concern for his family and countless friends; and

WHEREAS, a beloved member of the community, Mr. Keeton was a devoted father, and enjoyed promoting the musical interests of his children; he was also an active member of Carbon Hill Band Boosters, and faithfully worked the concession stands during football games; and

WHEREAS, Mr. Keeton served his country with honor with the United States Army, including a tour of duty in Viet Nam, from 1967 to 1969; and

WHEREAS, the lamentable death of Lonnie Ray Keeton has indeed left an unfathomable void in the life of the community, and in the hearts of his loving wife, the former Janice Mae Griffith; children, Michael Wayne and Vicki Lee Ann; parents, Alan and Maxine Keeton; and sisters, Sandy McGough and Glenda Ann Dodd; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express deepest regret at the death of Lonnie Ray Keeton, and extend heartfelt sympathy to his bereaved family, for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 281, was adopted.



**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 283. DESIGNATING LOONEY'S TAVERN PARKWAY AS A SCENIC ROUTE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That that portion of Highway 278 that extends westward from Interstate 65 in Cullman County to the Mississippi state line known as Looney's Tavern Parkway be designated as an official scenic route.

BE IT FURTHER RESOLVED, That the Looney's Tavern Parkway be designated a scenic route on all signs to be erected and maintained by the Department of Transportation, and on all official state maps to be published by the department.

On motion of Representative Carter, the resolution, H.J.R. 283, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 284. COMMENDING PRISCILLA BYNUM SEELEY FOR HER OUTSTANDING CAREER ACCOMPLISHMENTS.

WHEREAS, with utmost pride and pleasure, heartiest congratulations are herein extended to Priscilla Bynum Seeley, a distinguished educator and school administrator whose professional career has been one of deep dedication and commitment to the furtherance and support of public education; and

WHEREAS, a lifelong learner, 23 of Ms. Seeley's 30 years as an educator have been with Farley Elementary School, where she has spent countless hours toward the improvement of the Farley Elementary School Library, lovingly referred to as a "treasure chest"; and

WHEREAS, the Library Science Course 50I at the University of Alabama highlights Ms. Seeley's programs to motivate and excite future librarians; and

WHEREAS, Ms. Seeley's honors and awards are indicative of the high esteem in which she is held in the community; her professional nominations include the Jacksonville State Teacher's Hall of Fame, Reader's Digest American Heroes in Education, and Alabama State Teacher of the Year; and

WHEREAS, finding time for civic and humanitarian causes, Ms. Seeley has conducted educational workshops, and made presentations throughout Alabama, as well as five other states; and

WHEREAS, administrators, colleagues, and parents recognize Priscilla Bynum Seeley's innovative educational programs, as well as her encouragement and enthusiasm for implementing them; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Ms. Seeley on her career achievements as a distinguished educator, and extend best wishes for continued good health and happiness in all future endeavors.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided to Ms. Seeley, so that she may know of our esteem and appreciation.

On motion of Representative Carter, the resolution, H.J.R. 284, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**S.J.R. 70. MOURNING THE DEATH OF JOHNNY ADAMS OF LOACHAPOKA, ALABAMA.**

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 70.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**S.J.R. 71. URGING EACH LOCAL BOARD OF EDUCATION TO ENFORCE THE TRUANCY LAWS OF THE STATE OF ALABAMA.**

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 71.

**INTRODUCTION OF BILLS**

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Clouse:

H. 749. Relating to the Alabama Emergency Management Act; to amend Sections 31-9-2, 31-9-3, 31-9-6, 31-9-7, 31-9-8, 31-9-9, 31-9-10, and 31-9-14, Sections 31-9-16 to 31-9-18, inclusive, Sections 31-9-20 to 31-9-22, inclusive, and Section 31-9-24, Code of Alabama 1975; to provide further for emergency planning, preparation, and management during emergency and disaster situations, including chemical and other hazardous substance spills or releases; to authorize the Governor to enter into the Southern Regional Emergency Management Compact for the coordination and sharing of resources during an emergency or natural disaster; to provide for civil immunity in certain instances; to provide further for civil and criminal penalties for certain violations; and to repeal Section 31-9-12 of the Code of Alabama 1975.

**COMMITTEE ON STATE ADMINISTRATION**

By Representative Johnson (R):

H. 750. To amend Section 32-9-29, Code of Alabama 1975; to increase fees for permits for movement of oversized vehicles or loads and to convert all measurements to metric units.

**COMMITTEE ON HIGHWAY SAFETY**

By Representatives McDaniel and Hawk:

H. 751. To amend Sections 40-6-1 and 40-6-4, Code of Alabama 1975, to provide further for supernumerary status by certain county ad valorem tax officials.

**COMMITTEE ON WAYS AND MEANS**

By Representatives Black (L), Hayden, and Jackson:

H. 752. To propose an amendment to the Constitution of Alabama of 1901, relating to Marengo County, to place the judge of probate of the county on a salary basis and to provide that the fees of the judge of probate would be placed in the county treasury.

**COMMITTEE ON LOCAL LEGISLATION NO. 1**

The above bill was read a first time at length as required by the Constitution.

By Representative Dukes:

H. 753. To amend Section 11-41-8 of the Code of Alabama 1975, to validate prior attempted incorporations of municipalities without regard to any errors in the procedures relating to the incorporations.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Johnson (R):

H. 754. To propose an amendment to the Constitution of Alabama of 1901, relating to the establishment of districts for fire protection in Talladega County and providing for mandatory dues to support the districts.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Johnson (R):

H. 755. To amend Section 32-5A-171, Code of Alabama 1975, relating to maximum speed limits on highways; to provide for an increase of the maximum speed limit on certain highways.

COMMITTEE ON HIGHWAY SAFETY

By Representatives Johnson (R), Carothers, Millican, Clouse, and Warren:

H. 756. To amend Section 32-6-1 of the Code of Alabama 1975, to extend the renewal time period for a driver's license without further examination from one year to three years.

COMMITTEE ON HIGHWAY SAFETY

By Representative Minnifield:

H. 757. To establish a Governor's-Legislators' Gaming Oversight Commission and a veterans share-lottery administered by the Alabama Veterans Foundation and provide for its powers and duties; to provide for the disposition of the share-lottery proceeds; and to prescribe penalties for certain violations.

COMMITTEE ON TOURISM, ENTERTAINMENT  
AND SPORTS

By Representatives Sims, McClammy, Wren, Vance, Gaston, Flowers, Pringle, Hall (L), Graham, Johnson (R), Millican, Galliher, McKee, and McAdory:

H. 758. To provide that the Alabama Medicaid Agency seek a waiver for

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any person who purchases a long-term health care policy to cover at least the first five years of nursing home care; and to provide that the Alabama Medicaid Agency not consider those resources of a person equal to the amount of long-term care insurance benefit payments in determining Medicaid eligibility.

**COMMITTEE ON HEALTH**

By Representative Newton (D):

H. 759. To provide for the offense of criminal use of pepper spray; and to provide penalties.

**COMMITTEE ON JUDICIARY**

By Representative Morrison:

H. 760. To amend Section 22-27-48, Code of Alabama 1975, relating to the implementation of local plans for solid waste disposal and the application process by units of local government for facility permits, so as to require an intervening waiting period on the consideration of an application by units of local government which have submitted previous applications.

**COMMITTEE ON INDUSTRIAL DEVELOPMENT  
AND ECONOMIC GROWTH**

By Representative Knight (A):

H. 761. To amend Section 37-15-4, Code of Alabama 1975, to provide further for location of any proposed excavation or demolition and for exemptions to the notice requirements.

**COMMITTEE ON COMMERCE,  
TRANSPORTATION AND UTILITIES**

By Representative Knight (A):

H. 762. To amend Section 27-19-39, Code of Alabama 1975, relating to insurance policy reimbursement for visual service to specifically include health maintenance organizations under certain conditions.

**COMMITTEE ON INSURANCE**

By Representatives Page and Ford (With Notice and Proof):

H. 763. Relating to Etowah County; amending Act No. 80-442 of the 1980 Regular Session (Acts 1980, p. 674), providing for the board of trustees of the policemen's and firemen's retirement funds for the City of Gadsden.

**COMMITTEE ON LOCAL LEGISLATION NO. 1**

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 763, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Galliher and Thomas (D) (With Notice and Proof):

H. 764. Relating to St. Clair County; providing for an additional expense allowance and salary for the sheriff.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 764, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Sanderson:

H. 765. To amend Section 38-7-3, Code of Alabama 1975, to provide for notice to parents or guardians that a preschool program or religious nonprofit elementary school is not regulated by the Department of Human Resources.

COMMITTEE ON HEALTH

By Representatives Turner, Gaston, Crigler, Dean, and Penry:

H. 766. To amend Section 40-20-2, Code of Alabama 1975, to further provide for a reduction in the rate of taxation of certain oil and gas wells.

COMMITTEE ON WAYS AND MEANS

By Representative Turnham (With Notice and Proof):

H. 767. Relating to Lee County; to establish a Motor Vehicle License System in the office of the Judge of Probate to process motor vehicle title and license applications, transfers, and renewals; to provide for assessment and collection of motor vehicle ad valorem taxes; to provide for authority to collect and remit license fees, taxes, and monies due to the State of Alabama and the county; to provide for the optional mail order processing of license renewals and issuance with accompanying mail fees; to provide for the collection of sales taxes on used motor vehicles sold by non-dealers; to provide for the requirement of proof of payment of any federal highway use taxes due before issuing licenses; to provide for transferring all of the duties, responsibilities, and enforcement of motor vehicle licensing, ad valorem tax assessment and collection, as well as enforcement otherwise under authority of the tax assessor, tax collector, and license inspector,

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to the judge of probate; providing an increase in salary for the judge of probate for assuming additional duties under this act; and to provide that the act shall become operative upon referendum approval.

COMMITTEE ON LOCAL LEGISLATION NO. 8

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 767, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Drake:

H. 768. To prohibit comparison price advertising that is false, deceptive, or misleading; and to provide for penalties.

COMMITTEE ON JUDICIARY

By Representative Parker (P):

H. 769. To increase the local millage rates of ad valorem taxes; to provide for the withholding of state funds in certain cases; to provide that new ad valorem taxes be earmarked for local public school purposes; to provide that no existing tax rates of revenue shall be removed; to exempt certain penalty provisions in those school systems with exceptionally high levels of local support; to provide for an effective date; and to repeal conflicting provisions.

COMMITTEE ON EDUCATION

By Representative Parker (P):

H. 770. To make an appropriation from the Education Trust Fund in the State Treasury to the Department of Education, in the amount of \$400,000 for the fiscal year ending September 30, 1997.

COMMITTEE ON WAYS AND MEANS

By Representative Parker (P):

H. 771. To amend Section 16-24-12, Code of Alabama 1975, relating to the notice given teachers employed for a succeeding year, to require the superintendent to notify any teacher of nonrenewal upon the rejection of the board or the recommendation of the superintendent to reemploy a teacher not on continuing service status or upon the superintendent declining to make any recommendation regarding reemployment and the board determining to reemploy.

COMMITTEE ON EDUCATION

By Representative Baker (With Notice and Proof):

H. 772. Relating to Henry County; authorizing the sheriff to operate a jail concession for county prisoners and state prisoners in county custody; and providing for the deposit, distribution, and auditing of monies earned.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 772, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Moore (With Notice and Proof):

H. 773. Relating to Coffee County; to provide that jury venires shall be selected from the county-at-large; and to provide that no person shall serve on more than one jury venire at a time.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 773, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Penry and McMillan (With Notice and Proof):

H. 774. To alter or rearrange the boundary lines of the municipality of Spanish Fort, so as to include within the corporate limits of the municipal territory certain lands not already included therein; and to exempt for a period of twenty-five (25) years, the improvements and the signage presently on the property from any changes subsequently enacted by the City of Spanish Fort to the Building Codes ordinances and regulations, the signage codes, ordinances and regulations, electrical codes, or ordinances and regulations, mechanical codes, ordinances and regulations, and plumbing codes, ordinances and regulations, subject to certain specified conditions and limitations.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 774, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK



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**By Representative Warren:**

H. 775. To amend Sections 16-11-16 and 16-28-4 of the Code of Alabama 1975, to provide that children six years of age on October 1 shall be entitled to admission to public schools that year.

**COMMITTEE ON EDUCATION**

**By Representative Gipson:**

H. 776. To prohibit the construction of a fence around the Autauga Campus of the Alabama Department of Youth Services.

**COMMITTEE ON STATE ADMINISTRATION**

**By Representatives Sanderson and Rogers (J):**

H. 777. Relating to organ and tissue donation for medical purposes; to further provide the procedure for the designation of organ donors on motor vehicle driver's licenses and nondriver identification cards; and to provide for emergency medical personnel to take reasonable steps to transmit organ donation information to hospitals and other health care facilities in the case of accidents and traumas.

**COMMITTEE ON HEALTH**

**By Representative Papucci (With Notice and Proof):**

H. 778. Relating to Morgan County; to repeal Act No. 191, H. 743, 1977 Regular Session (Acts 1977, p. 260), requiring the judge of probate to transfer all lists relating to electors to the board of registrars; and to repeal Act No. 791, H. 1331, 1977 Regular Session (Acts 1977, p. 1373), requiring the Morgan County Board of Registrars to administer all phases of the absentee election process except in municipal elections.

**COMMITTEE ON LOCAL LEGISLATION NO. 1**

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 778, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

**GREG PAPPAS, CLERK**

**By Representative Morton (With Notice and Proof):**

H. 779. Relating to retirement or participant benefits and spouse's or survivor's benefits for persons in Class 1 municipalities who are covered by a pension, relief, and retirement system for municipal officers and employees pursuant to Act No. 929, S. 676, Regular Session 1951, as amended, to make

legislative findings, to provide that all recipients of extraordinary disability benefits whose longevity payment received during the year prior to their disability was not included in the amount of monthly salary used in the calculation of the extraordinary disability benefit shall receive an increase in the monthly benefit of 70 percent of one-twelfth of the total longevity payment received during the year immediately preceding the recipient's disability application; and to set an effective date.

## COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 779, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Turnham:

H. 780. To provide distinctive motor vehicle license tags or plates to supporters of the Alabama Sheriffs' Youth Ranches; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

## COMMITTEE ON WAYS AND MEANS

By Representatives Hooper and McKee:

H. 781. To propose an amendment to the Constitution of Alabama of 1901, to prohibit the infringement of the right of parents to direct the upbringing and education of their children.

## COMMITTEE ON PUBLIC WELFARE

The above bill was read a first time at length as required by the Constitution.

By Representative Hawk:

H. 782. Relating to boats and vessels; to prohibit the unauthorized alteration of identification numbers on or the registration information relating to boats, outboard motors, or identifiable component parts thereof; to provide criminal penalties for violations, including illegal possession thereof; and provide for forfeiture procedures under certain conditions.

## COMMITTEE ON JUDICIARY

By Representative Venable:

H. 783. To repeal Sections 41-20-1 to 41-20-12, inclusive, and 41-20-14 to

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41-20-16, inclusive, Code of Alabama 1975, the Alabama Sunset Law of 1981, as amended.

**COMMITTEE ON CONSTITUTION AND ELECTIONS**

By Representative Venable:

H. 784. To amend Section 6-8-60 of the Code of Alabama 1975, to further provide for the qualifications of a newspaper to publish public notices and legal advertisements.

**COMMITTEE ON CONSTITUTION AND ELECTIONS**

By Representative Venable:

H. 785. To amend Section 16-3-1, Code of Alabama 1975, to make retroactive to the general election of 1986 the concurrent election of members of the State Board of Education.

**COMMITTEE ON CONSTITUTION AND ELECTIONS**

By Representative Venable:

H. 786. Proposing an amendment to the Constitution of Alabama of 1901, to phase-out supernumerary programs for county ad valorem tax officials and to permit their participation in a retirement system.

**COMMITTEE ON WAYS AND MEANS**

The above bill was read a first time at length as required by the Constitution.

By Representative Hill:

H. 787. To amend Section 7-4-406 of the Code of Alabama 1975; to remove the requirement of financial institutions providing the name of the payee on the statement of account in which items are not returned within the statement of account.

**COMMITTEE ON BANKING**

By Representatives Haney, Sanderford, Papucci, Hinshaw, Hall (A), and Jorgensen:

H. 788. To amend Section 6 of Act No. 95-564, H. 539, 1995 Regular Session, to clarify and confirm the ability of a foreign corporation doing business in Alabama to petition the Alabama Department of Revenue to utilize any other method which effectuates an equitable apportionment of the actual amount of

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capital employed in this state by the foreign corporation; and to provide for a retroactive effective date.

COMMITTEE ON INDUSTRIAL DEVELOPMENT  
AND ECONOMIC GROWTH

By Representatives Laird, Millican, and Johnson (R):

H. 789. Relating to income tax withholding; to provide that if an employee expects to earn less than the minimum amount required to owe tax for the year, his or her employer shall not be required to withhold Alabama income tax from his or her wages or salary.

COMMITTEE ON WAYS AND MEANS

By Representatives Haney, Newton (D), Curry, Hinshaw, Allen, Carns, Burke, Starkey, Robinson, Page, Morrow, Hall (A), Graham, Melton, Hilliard, Spratt, Petelos, Gaines, Hill, Knight (A), and Thomas (D):

H. 790. To provide immunity from civil liability for malpractice for certain attorneys appointed to represent indigent clients.

COMMITTEE ON JUDICIARY

By Representative Rogers (J):

H. 791. To permit the sampling of beer in certain closed function, industry-related trade expositions, and to allow limited sampling of beer at such functions.

COMMITTEE ON INDUSTRIAL DEVELOPMENT  
AND ECONOMIC GROWTH

By Representatives Maull and Thomas (J) (With Notice and Proof):

H. 792. Relating to Dallas County; authorizing the county commission to levy an additional sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; and prescribing penalties and fixing punishment for violation of this act.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 792, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

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By Representative Newton (C):

H. 793. To amend Section 17-4-156, Code of Alabama 1975, to provide further for the working days of certain county boards of registrars.

**COMMITTEE ON CONSTITUTION AND ELECTIONS**

By Representatives McMillan, Penry, and Warren (With Notice and Proof):

H. 794. Relating to Baldwin County; prohibiting certain types of entertainment, attire, and conduct, having certain nudity, or sexual conduct, or the depiction or simulation thereof, upon the premises of an establishment within the unincorporated areas of Baldwin County, Alabama, which is licensed to sell, serve, or dispense alcoholic beverages or otherwise allow the consumption of alcoholic beverages on the premises.

**COMMITTEE ON LOCAL LEGISLATION NO. 1**

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 794, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Layson:

H. 795. To exempt the Alabama Legislative Club from the payment of all state, county, and municipal sales and use taxes.

**COMMITTEE ON WAYS AND MEANS**

By Representative Carns:

H. 796. To provide a refund of sales taxes paid on certain tangible property purchased in the state for export to a foreign country.

**COMMITTEE ON WAYS AND MEANS**

By Representatives McMillan, Vance, Maull, Millican, Johnson (R), Turner, Black (M), Lindsey, Guin, and Murphree:

H. 797. To amend Sections 36-30-1 and 36-30-2 of the Code of Alabama 1975, to provide further for compensation for death and disability of certain firefighters.

**COMMITTEE ON INSURANCE**

By Representatives Vance, McMillan, Maull, Dolbare, Millican, Johnson (R), Turner, Black (M), Lindsey, Guin, and Murphree:

H. 798. To amend Section 36-30-1 of the Code of Alabama 1975, as amended by Act No. 95-559, S. 372, 1995 Regular Session, (Acts 1995, p. 1168), to provide that if a paid or volunteer firefighter is killed while engaged in the performance of his or her duties and there are no dependents or partial dependents, then his or her mother or father shall be eligible for compensation.

#### COMMITTEE ON STATE ADMINISTRATION

By Representatives Penry, McMillan, and Vance:

H. 799. To provide for a deduction under the State of Alabama income tax in certain amounts for qualifying volunteer fire, rescue, or emergency medical service members and penalties for any violations.

#### COMMITTEE ON WAYS AND MEANS

By Representatives Johnson (R) and Carothers:

H. 800. To add a new Section 22-21-265.2 to the Code of Alabama 1975, authorizing the State Health Planning and Development Agency to grant an exemption from certificate of need review for either the construction of a replacement of all or part of the beds of one or more nursing facilities or the transfer of nursing facility beds to another nursing facility in the same county, provided certain requirements are met.

#### COMMITTEE ON HEALTH

By Representative Newton (D):

H. 801. To provide for the number of jurors from which criminal juries shall be selected based on the nature of the charge and the number of defendants; and to provide that Rule 18.4(f) of the Alabama Rules of Criminal Procedure is superseded.

#### COMMITTEE ON JUDICIARY

By Representative McKee:

H. 802. To amend Section 28-3A-25 of the Code of Alabama 1975, to provide further for certain unlawful acts and offenses under the Alcoholic Beverage Licensing Code.

#### COMMITTEE ON STATE ADMINISTRATION

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By Representative Hill:

H. 803. To amend Section 5-21-5 of the Code of Alabama 1975, relating to the linked deposits administered by the Office of the State Treasurer, to increase the business operations loans term of repayment.

**COMMITTEE ON BANKING**

By Representative Knight (J):

H. 804. To amend Section 28-4A-3, Code of Alabama 1975, to allow brewpubs to obtain a club liquor license.

**COMMITTEE ON STATE ADMINISTRATION**

By Representatives Carns and Hawkins:

H. 805. Establishing a Business Helper Resource Office to provide information to a prospective business and to establish a hotline.

**COMMITTEE ON BUSINESS AND LABOR**

By Representative Sanderson:

H. 806. To create Alabama, Inc., a state-sponsored venture capital company; to provide that the financing necessary to issue the stock and the loans made by Alabama, Inc., to private businesses would be backed by the Heritage Trust Fund; to authorize Alabama, Inc., to issue stocks and bonds and invest the proceeds of the sales; to authorize Alabama, Inc., to invest equity in and make business loans to certain private businesses within the state in need of operating capital; to provide that the state shall not be liable to any investor in Alabama, Inc.; to provide that Alabama, Inc., shall carry insurance to protect against loss and the insurance premiums shall be paid by the state; and to provide for the management of Alabama, Inc., and the powers of the board of directors.

**COMMITTEE ON BUSINESS AND LABOR**

By Representative Sanderson:

H. 807. To propose an amendment to the Constitution of Alabama of 1901, authorizing legislation to allow the full faith and credit of the Heritage Trust Fund to finance the issuance of stocks and bonds in a state-sponsored venture capital company to enable the venture capital company to invest in and make loans to private businesses; and to allow the full faith and credit of the Heritage Trust Fund to guarantee the loans granted by a state-sponsored venture capital company.

**COMMITTEE ON BUSINESS AND LABOR**

The above bill was read a first time at length as required by the Constitution.

By Representative Thomas (J):

H. 808. Relating to Wilcox County; proposing an amendment to the Constitution of Alabama of 1901; to levy an additional 15-mill ad valorem tax.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representatives Curry, Newton (D), Hawkins, Rogers (J), and Morton:

H. 809. To create three additional circuit judgeships in the Tenth Judicial Circuit, Birmingham Division, and an additional district judgeship for Jefferson County, Birmingham Division.

COMMITTEE ON WAYS AND MEANS

By Representative Box:

H. 810. To amend Section 16-36-29.1 of the Code of Alabama 1975, to provide for the purchase of equipment or electrical equipment by schools or teachers with funds allocated by the local board of education.

COMMITTEE ON EDUCATION

By Representative Box:

H. 811. To amend Sections 17-16A-1 and 17-16A-3, Code of Alabama 1975, relating to Presidential Preference Primary Elections, to change the qualification date and the primary date.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives Gaines, Wren, Allen, Papucci, Hill, McKee, Thomas (D), Hawkins, Dean, Sims, Townsend, Hooper, Rogers (M), Gipson, Carns, McMillan, Haney, Sanderford, Penry, Sanderson, Knight (A), Jorgensen, Crigler, Clouse, Moore, Johnson (R), Hamilton, Carothers, Dukes, Willis, Layson, Collins, Warren, Maull, Murphree, Pringle, Gaston, and Petelos:

H. 812. Relating to the recovery of damages for intentional infliction of emotional distress and mental anguish; prohibiting the recovery by bystanders, witnesses, or observers of a physical injury suffered by another; and providing that the act shall not be construed to grant or create a cause of action.

COMMITTEE ON STATE ADMINISTRATION



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By Representatives Wren, Allen, Papucci, Hill, Morton, Rogers (M), Townsend, McKee, Gaston, Sims, Hooper, Dean, Thomas (D), McMillan, Haney, Hawkins, Sanderford, Penry, Knight (A), Jorgensen, Flowers, Crigler, Clouse, Moore, Johnson (R), Hamilton, Carothers, Dukes, Willis, Layson, Collins, Gaines, Murphree, Pringle, and Petelos:

H. 813. To provide further for the selection of jurors; to amend Rule 47 of the Alabama Rules of Civil Procedure relating to the selection of jurors and alternate jurors.

**COMMITTEE ON STATE ADMINISTRATION**

By Representatives Fuller, Guin, Wren, Allen, Papucci, Hill, Morton, Rogers (M), Townsend, Dean, Sims, Gaston, Hooper, Gipson, McDaniel, Thomas (D), McKee, Haney, Hawkins, Sanderford, Sanderson, Penry, Knight (A), Jorgensen, Flowers, Clouse, Crigler, Moore, Johnson (R), Hamilton, Carothers, Dukes, Layson, Collins, Warren, Maull, Gaines, Murphree, Pringle, and Petelos:

H. 814. Relating to change or transfer of venue in civil actions; to amend Section 6-3-21.1, Code of Alabama 1975, to provide that the trial court may not give any greater weight to the choice of forum of the plaintiff than any other factor.

**COMMITTEE ON STATE ADMINISTRATION**

By Representatives Carns, Wren, Allen, Papucci, Hill, Morton, Sims, Thomas (D), Townsend, Hooper, Dean, Gipson, McDaniel, McKee, McMillan, Haney, Sanderford, Penry, Sanderson, Knight (A), Jorgensen, Flowers, Moore, Crigler, Johnson (R), Hamilton, Carothers, Dukes, Willis, Layson, Collins, Warren, Maull, Gaines, Murphree, Pringle, Gaston, and Petelos:

H. 815. Providing for civil actions involving product liability; to limit the causes of action against distributors, wholesalers, dealers, or retail sellers of products which are alleged to be defective; to proscribe the imposition of liability on defendants; to define what constitutes a defective and unreasonably dangerous product; and to provide for the subsequent effectiveness, under certain conditions, of any portion of the act that may be held to be unconstitutional prior to the ratification of an amendment to the Constitution of Alabama of 1901.

**COMMITTEE ON STATE ADMINISTRATION**

By Representatives McKee, Wren, Allen, Papucci, Hill, Morton, Dean, Hawkins, Sims, Hooper, Gipson, McDaniel, Carns, Thomas (D), McMillan, Haney, Sanderford, Penry, Sanderson, Knight (A), Jorgensen, Flowers, Crigler, Moore, Johnson (R), Hamilton, Carothers, Dukes, Layson, Willis, Collins, Warren, Maull, Gaines, Murphree, and Petelos:

H. 816. Relating to civil actions for fraud; to amend Section 6-2-3, Code of

Alabama 1975, relating to the statute of limitations for fraud, to provide that an action for fraud shall be brought within two years from the date the aggrieved party discovered, or in the exercise of reasonable diligence should have discovered the fraud; to amend Section 6-5-100, Code of Alabama 1975, relating to a right of action for fraud, to consolidate various actions for fraud into two causes of action to be known as "fraudulent misrepresentation" and "fraudulent suppression"; and to specifically repeal Sections 6-5-101 to 6-5-104, inclusive, Code of Alabama 1975.

#### COMMITTEE ON STATE ADMINISTRATION

By Representatives Hooper, Wren, Seibenhener, Flowers, Clark (J), Hill, Allen, Rogers (M), Papucci, Townsend, McKee, Thomas (D), Morton, Hawkins, Sims, Dean, McMillan, Haney, Sanderford, Sanderson, Penry, Knight (A), Jorgensen, Crigler, Johnson (R), Hamilton, Carothers, Dukes, Willis, Layson, Collins, Warren, Maull, Gaines, and Pringle:

H. 817. To limit the awarding of punitive damages in personal injury actions; and to allow a bifurcated trial on the issue of whether a defendant is liable for punitive damages.

#### COMMITTEE ON STATE ADMINISTRATION

By Representatives Guin, Wren, Allen, Papucci, Townsend, McKee, Thomas (D), Morton, Hawkins, Sims, Rogers (M), Gaston, Dean, McDaniel, Gipson, Hooper, McMillan, Haney, Sanderford, Penry, Sanderson, Knight (A), Jorgensen, Clouse, Crigler, Moore, Johnson (R), Hamilton, Carothers, Dukes, Willis, Layson, Collins, Warren, Maull, Gaines, and Pringle:

H. 818. To amend Rule 68 of the Alabama Rules of Civil Procedure relating to offers of judgment; to provide further for award of attorney's fees and out-of-pocket expenses in the discretion of the trial court.

#### COMMITTEE ON STATE ADMINISTRATION

By Representatives McDaniel, Wren, Allen, Papucci, Hill, Morton, Rogers (M), Townsend, Hawkins, Dean, McKee, Sims, Gaston, Hooper, Gipson, Carns, McMillan, Haney, Sanderford, Penry, Sanderson, Knight (A), Jorgensen, Crigler, Moore, Johnson (R), Hamilton, Carothers, Dukes, Layson, Willis, Collins, Warren, Maull, Gaines, and Pringle:

H. 819. Providing for mandatory mediation prior to trial under certain instances and imposing sanctions for failure to mediate.

#### COMMITTEE ON STATE ADMINISTRATION

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By Representatives McDaniel, Wren, Allen, Papucci, Hill, Morton, Dean, Sims, Hooper, Gipson, Thomas (D), Carns, McMillan, Haney, Sanderford, Penry, Sanderson, Knight (A), Jorgensen, Flowers, Crigler, Moore, Johnson (R), Hamilton, Carothers, Dukes, Willis, Layson, Collins, Warren, Maull, Gaines, Pringle, and Gaston:

H. 820. To amend Sections 6-6-1 and 8-1-41, Code of Alabama 1975, relating to arbitration, to make agreements to arbitrate future controversies enforceable.

**COMMITTEE ON STATE ADMINISTRATION**

By Representatives Sanderson, Wren, Allen, Papucci, Carns, Haney, Sanderford, Penry, Jorgensen, Flowers, Crigler, Moore, Johnson (R), Dukes, Layson, Willis, Collins, and Gaines:

H. 821. To amend Sections 27-8-16, 27-8-19, and 27-8-20, Code of Alabama 1975, relating to material or fraudulent misrepresentations, omissions, concealment of facts, and dishonest acts or omissions by an insurance agent who sells insurance; to provide further for the regulation of insurance agents who sell insurance, the revocation of the license of the agent or other penalties and remedial measures, and to provide for an exemption of liability for punitive damages for certain insurance companies or corporations that have documented remedial action to motivate the agent to cease or desist from unethical or inappropriate behavior.

**COMMITTEE ON STATE ADMINISTRATION**

By Representatives Venable, Wren, Sanderson, McMillan, Petelos, and Hooper:

H. 822. To amend Rule 51 of the Alabama Rules of Civil Procedure relating to instructions to the jury by the court, to require that a judge provide the jury with a written copy of all jury instructions to be included in the court's charge.

**COMMITTEE ON STATE ADMINISTRATION**

By Representatives Haney, Papucci, Hawkins, Sims, McMillan, Sanderford, Penry, Sanderson, Jorgensen, Flowers, Crigler, Moore, Johnson (R), Hamilton, Carothers, Dukes, Willis, Layson, Collins, Warren, Maull, Gaines, Pringle, Gaston, and Dean:

H. 823. Proposing an amendment to the Constitution of Alabama of 1901, to limit fees which plaintiff's attorneys may collect in personal injury, wrongful death, and other tort cases.

**COMMITTEE ON STATE ADMINISTRATION**

The above bill was read a first time at length as required by the Constitution.

By Representatives Hooper, Wren, Seibenhener, Flowers, Clark (J), Hill, Allen, Papucci, Townsend, McKee, Morton, Thomas (D), Hawkins, Sims, Dean, McDaniel, McMillan, Haney, Sanderford, Penry, Sanderson, Knight (A), Jorgensen, Crigler, Moore, Johnson (R), Hamilton, Carothers, Dukes, Willis, Layson, Collins, Warren, Maull, Gaines, Pringle, and Gaston:

H. 824. To propose an amendment to the Constitution of Alabama of 1901, to authorize the Legislature to provide for the awarding of punitive damages, including a bifurcated trial on the issue of whether a defendant is liable for punitive damages; and the imposition of limits on the award of punitive damages in personal injury actions.

#### COMMITTEE ON STATE ADMINISTRATION

The above bill was read a first time at length as required by the Constitution.

By Representatives Flowers, Hooper, Wren, Allen, Papucci, Hill, Morton, Townsend, Sims, Dean, Gipson, McDaniel, McMillan, Haney, Hawkins, Sanderford, Penry, Sanderson, Knight (A), Jorgensen, Crigler, Moore, Johnson (R), Hamilton, Carothers, Dukes, Willis, Layson, Collins, Warren, Maull, Gaines, Pringle, and Gaston:

H. 825. To create the Noneconomic Damage Awards Act; to limit noneconomic damages in personal injury actions.

#### COMMITTEE ON STATE ADMINISTRATION

By Representatives Curry, Rogers (M), and Box:

H. 826. To amend Sections 17-16A-1 and 17-16A-3, Code of Alabama 1975, to provide further for Presidential Preference Primary Elections.

#### COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Moore:

H. 827. To amend Sections 40-18-135 to 40-18-139, inclusive, Code of Alabama 1975; to provide for a credit against state income tax liability to certain employers who sponsor an approved job-related higher education program; to provide that any unused credit may be carried forward for a period of three tax years; and to provide for approval of a job-related higher education program.

#### COMMITTEE ON WAYS AND MEANS

By Representatives Rogers (J), McAdory, and Houston:

H. 828. To amend Section 17-7-5.1, Code of Alabama 1975, to provide that any person standing in line at the time a polling place closes would be entitled to vote.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives Rogers (J), McAdory, and Houston:

H. 829. To provide for the automatic restoration of voting rights for certain persons who fulfill the sentence or conditions required by the court or the State Board of Pardons and Paroles; and to repeal Section 17-3-10 of the Code of Alabama 1975.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives Pringle and Dean:

H. 830. To authorize the Department of Revenue to prescribe uniform sales and use tax business forms for the administration and collection of sales and use taxes by the State of Alabama and all county and municipal governing bodies.

COMMITTEE ON BUSINESS AND LABOR

By Representative Lindsey:

H. 831. Proposing an amendment to the Constitution of Alabama of 1901, relating to Cherokee County, authorizing the Cherokee County Commission to levy an additional ad valorem tax for fire protection and rescue services; and to repeal Act 96-194, H. 230 of the 1996 Regular Session.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

RESOLUTION

The following resolution was introduced:

By Representatives Dolbare and Black (L):

H.J.R. 293. MOURNING THE DEATH OF DEACON CHARLES D. STALLWORTH.

The resolution, H.J.R. 293, was read and referred to the Standing Committee on Rules.

**BILLS ON THIRD READING****BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Hinshaw, the Budget Isolation Resolution relating to the bill, H. 723, was adopted.

Yeas 45; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Burke, Carns, Collins, Curry, Drake, Dukes, Gaston, Gipson, Guin, Hall (A), Hamilton, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Layson, Lindsey, McAdory, McClammy, Melton, Millican, Morton, Murphree, Papucci, Payne, Penry, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Spratt, Starkey, Townsend and Willis.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 723. Relating to Madison County; to require the Madison County Judicial Commission to publicize the list of judicial nominees; and to require the commission to vote publicly on the list of nominees for submission to the Governor.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Carns, Carothers, Collins, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Johnson (R), Jorgensen, Layson, Lindsey, McMillan, Melton, Millican, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance and Willis.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**RESOLUTIONS**

The following resolutions were introduced:

By Rules Committee:

H.R. 294. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the Fifteenth legislative day, Tuesday, April 2, 1996, taking precedence over the regular order of business or any pending or unfinished business. Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the Following bills:

Inst Id	Page
H. 222 (By Lindsey)	100
Trucks used by farmers, tag for trucks and truck tractors up to 80,001 lbs. and over, Sec. 40-12-248 am'd.	
H. 669 (By Hall A)	80
Firefighters, written response from employer to proposals from labor union, procedure, Sec. 11-43-143 am'd.	
H. 608 (By Turner)	79
Criminal procedure, pretrial proceedings and traffic tickets, use of audio-video communication system	
H. 633 (By Johnson R)	77
WIC Program, formula for civil monetary fines, program director, administrative hearing officer and others, auth. to settle adverse actions, Sec. 22-12C-5 am'd.	

H. 395 (By Johnson R)	89
Patient Right To Know Act, estab., health care plans req. to be provided to enrollees with simple explanation of coverage	
H. 649 (By Hilliard)	90
Status on the African-American Male Task Force, estab.	
H. 497 (By Ford)	47
Bears, wrestling prohib., penalty, forfeiture and restitution provided	
H. 684 (By Crigler)	107
Game and fish, gill net licensure hardship bd., estab., sp. licensing procedures	
H. 611 (By Clouse)	109
Child support and other support, income withholding orders, income to include unemployment comp., workers' comp., and periodic gross income, Sec. 30-3-60 am'd.	
H. 504 (By Turnham)	75
Building contractors licensing bd., Secs. 34-8-1, 34-8-2, 34-8-4, 34-8-6, 34-8-7, 34-8-8, 34-8-9, 34-8-20, 34-8-22, 34-8-24, 34-8-28 am'd.	
H. 518 (By Clouse)	8
Unemployment comp., successorship for experience rate purposes, definition of wages, voluntary deduction of tax from benefits, Secs. 25-4-8, 25-4-10, 25-4-16, 25-4-92, 25-4-152 am'd.	
H. 533 (By Houston)	68
Municipalities, employees, cash or non-cash awards, mayors provide for	
H. 294 (By Houston)	98
Fraternities and Sororities, distinc. license plates alt., Fraternity/Sorority Scholarship Committee and Fund, estab.	



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H. 505 (By McAdory)

124

Class 5 mun. organized under Chapter 43D of Title 11,  
mayor not to manage public utilities, Sec. 11-43D-14 am'd.

H. 164 (By Sims)

86

Physicians, hospitals, posting of Atty. Gen.'s Medicaid Fraud  
Consumer Hotline, req.

H. 613 (By Pringle)

118

Southern Environmental Enforcement Network, add'l. unclas-  
sified merit system positions estab., Act 90-529, 1990 Reg.  
Sess. am'd.

H. 211 (By Curry)

94

Employees' Retirement System, cost-of-living incr. for cert.  
pensioners and annuitants, Sec. 36-27-125 am'd.

H. 176 (By Graham)

96

Employees' and Teachers' Retirement Systems reopen for  
prior service credit as a support employee, Sec. 36-27-15.2  
am'd.

H. 589 (By Hawk)

81

Unlawful detainer, procedures alt., Secs. 6-6-310, 6-6-332,  
6-6-350, 6-6-351 am'd.

H. 273 (By Hawk)

31

Securities Comm., special agents auth., Sec. 8-6-58 am'd.

H. 274 (By Guin)

48

College courses, Corrections Dept., prohib. from providing

H. 521 (By Morrison)

64

Schools, lunch and breakfast program, Alabama Child  
Nutrition Law, estab., admin. by St. Bd. of Ed. and St. Supt.  
of Ed.

H. 621 (By Dolbare)	102
Distinctive license plates, Indian heritage, fees, distrib.	
H. 28 (By Box)	81
Corrections Dept., posting of statutes relating to escape by convicts, Sec. 14-3-59 repealed	
H. 41 (By Curry)	91
Board of Registrars, purging names of felons, requirement of notice by certified mail removed, Sec. 17-4-132 am'd.	
H. 492 (By Hawkins)	47
Rules of the Road, penalties incr. for violations in construction zone	
H. 75 (By Thomas D)	7
Juvenile curfew violations, removed from definition of delinquent act, included in definition of child in need of supervision, under cert. conditions, Secs. 12-15-1, 12-15-58 am'd.	
H. 453 (By Page)	95
Teachers, ed. employees, accumulation of sick leave, alt., Secs. 16-1-18.1, 16-8-25, 16-12-21 am'd., Sec. 16-1-18 repealed	
H. 223 (By Page)	17
Federally funded employment and training program, priority system for veterans	
H. 224 (By Page)	95
Motor vehicles, distinctive license plate may be issued to retired military regardless of time in service, Sec. 32-6-291 am'd.	
H. 225 (By Page)	96
Motor vehicles, Medal of Honor, Purple Heart, and Prisoners of War, distinctive license plates, add'l. payment of ad valorem tax, Sec. 32-6-250 am'd.	

On motion of Representative Carter, the resolution, H.R. 294, was adopted.

Also:

By Representatives Ford:

H.R. 295. EXPRESSING SUPPORT FOR AMERICAN BRIDGESTONE/FIRESTONE EMPLOYEES.

The resolution, H.R. 295, was read and referred to the Standing Committee on Rules.

Also:

By Representative Carter:

H.J.R. 296. COMMENDING HARRIETTE AND TOM ROST AND CARROUSEL PRODUCTIONS FOR OUTSTANDING CONTRIBUTIONS TO OUR ELDERLY CITIZENS.

The resolution, H.J.R. 296, was read and referred to the Standing Committee on Rules.

Also:

By Representative Millican:

H.J.R. 297. RECOGNIZING LIEUTENANT KEN MAYS UPON HIS RETIREMENT FROM THE ALABAMA BUREAU OF INVESTIGATION, NORTHERN DISTRICT.

The resolution, H.J.R. 297, was read and referred to the Standing Committee on Rules.

Also:

By Representative Sanderson:

H.J.R. 298. COMMENDING DENISE IRELAND CYPRESS ON HER OUTSTANDING ACCOMPLISHMENTS AS A TEACHER.

The resolution, H.J.R. 298, was read and referred to the Standing Committee on Rules.

Also:

By Representative Gipson:

H.J.R. 299. COMMENDING PHILIP R. ALKER FOR DISTINGUISHED SERVICE TO THE PRATTVILLE AREA CHAMBER OF COMMERCE.

The resolution, H.J.R. 299, was read and referred to the Standing Committee on Rules.

Also:

By Representative Turnham:

H.J.R. 300. COMMENDING CAROLINE MARSHALL DRAUGHON ON HER OUTSTANDING CONTRIBUTIONS TO AUBURN UNIVERSITY.

The resolution, H.J.R. 300, was read and referred to the Standing Committee on Rules.

Also:

By Representative Millican:

H.J.R. 301. COMMENDING ROBERT F. GLASS ON HIS OUTSTANDING CHARITABLE CONTRIBUTIONS.

The resolution, H.J.R. 301, was read and referred to the Standing Committee on Rules.

Also:

By Representative Parker (T):

H.J.R. 302. RECOGNIZING THE KIWANIS CLUB OF TUSCALOOSA ON ITS 75TH ANNIVERSARY.

The resolution, H.J.R. 302, was read and referred to the Standing Committee on Rules.

Also:

By Representative Knight (J):

H.J.R. 303. COMMENDING DR. REGINA M. BENJAMIN UPON HER SELECTION TO THE AMERICAN MEDICAL ASSOCIATION BOARD OF TRUSTEES.

The resolution, H.J.R. 303, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hooper:

H.J.R. 304. OPPOSING THE DRIVE OF THE UNITED NATIONS FOR GLOBAL TAXES.

The resolution, H.J.R. 304, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hooper:

H.J.R. 305. MEMORIALIZING THE UNITED STATES CONGRESS REGARDING THE EQUITABLE ALLOCATION OF FEDERAL HIGHWAY FUNDS.

The resolution, H.J.R. 305, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hooper:

H.J.R. 306. COMMENDING THE SOUTHEAST YMCA NINE-YEAR-OLD ALL-STAR BASKETBALL TEAM.

The resolution, H.J.R. 306, was read and referred to the Standing Committee on Rules.

### **SPECIAL ORDER CALENDAR**

The House then proceeded with the consideration of the Special Order Calendar.

### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Lindsey, the Budget Isolation Resolution relating to the bill, H. 222, was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers,

Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Page, Papucci, Parker (P), Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-85

And the bill:

H. 222. (With Amendment): To amend Section 40-12-248 of the Code of Alabama 1975, relating to the annual license taxes and registration fees for trucks or truck tractors; to further provide for the lower annual license tax and registration fee for certain trucks or truck tractors owned and used by a farmer.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means to the bill, H. 222, said committee amendment being as follows:

On page 4, line 19, after the word "over." Add the following: Provided, however, a farmer shall be entitled to pay this reduced annual license tax and registration fee for only one truck tractor; for each additional truck tractor the annual license tax and registration fee shall be determined from the "schedule of base amounts" and "the schedule of additional amounts" based on the gross vehicle weight in pounds;

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Page, Papucci, Parker (P), Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener,

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Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, Willis and Wren.

-79

And the bill:

H. 222. To amend Section 40-12-248 of the Code of Alabama 1975, relating to the annual license taxes and registration fees for trucks or truck tractors; to further provide for the lower annual license tax and registration fee for certain trucks or truck tractors owned and used by a farmer.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Page, Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Hall (A), the Budget Isolation Resolution relating to the bill, H. 669, was adopted.

Yeas 74; Nays 0.

Yea:

Representatives Allen, Bandy, Black (M), Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Page, Papucci, Parker (P),

Parker (T), Payne, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Warren and Willis.

-74

And the bill:

H. 669. To amend Section 11-43-143 of the Code of Alabama 1975, relating to employee organizations of fire fighters to provide a procedure for a written response from the employing governing body to proposals from fire fighters.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Warren, Willis and Wren.

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#### CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 669:

Representatives Allen, Black (M), Burke, Carter, Clouse, Crigler, Dukes, Flowers, Ford, Galliher, Gaston, Guin, Hall (A), Haney, Hill, Hilliard, Johnson (E), Knight (A), Lindsey, McAdory, McClammy, McDaniel, Melton, Minnifield, Moore, Murphree, Reed, Robinson, Sanderford, Sims, Smith, Spratt, Starkey, Turnham and Vance.

#### BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, H. 608, was adopted.



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Yeas 74; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawkins, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morton, Murphree, Newton (C), Page, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, Willis and Wren.

-74

And the bill:

H. 608. To authorize the utilization of an audio-video communication system at any criminal pre-trial proceeding to enable a judge or magistrate to see and converse simultaneously with the defendant, his or her counsel, or another person; to provide that the physical presence of a defendant in open court is not required upon the use of the audio-video communication; to allow for facsimile transmissions during the audio-video communication; to authorize the use of audio-video communication for verification of Uniform Traffic Tickets and Complaints and Uniform Non-Traffic Citations and Complaints; and to allow the public to view the audio-video communication.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yea:

Representatives Allen, Black (M), Box, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hayden, Hilliard, Hogan, Holmes, Houston, Johnson (R), Jorgensen, Kennedy, Laird, Layson, Lindsey, McAdory, McDaniel, Melton, Millican, Mitchell, Moore, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance and Willis.

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**RESOLUTIONS**

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representatives Rogers (J), McAdory and Houston:

**H.R. 307. HONORING CHARLES A. BOWSHER FOR HIS YEARS OF DISTINGUISHED SERVICE AS COMPTROLLER GENERAL OF THE UNITED STATES.**

Also:

By Representative Graham:

**H.R. 308. COMMENDING DANNY CHAMPION AS A TALLAPOOSA COUNTY UNITED WAY COMMUNITY HERO AND OLYMPIC TORCHBEARER.**

Also:

By Representative Johnson (E):

**H.R. 309. MOURNING THE DEATH OF LOLA BEATRICE SLEDGE GRAHAM JACKSON OF BIRMINGHAM, ALABAMA.**

Also:

By Representative Johnson (E):

**H.R. 310. COMMENDING THE BEREA COLLEGE BLACK MUSIC ENSEMBLE.**

**SPECIAL ORDER CALENDAR RESUMED****BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, H. 633, was adopted.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hawkins, Hayden, Hilliard, Hogan, Houston, Johnson (R), Jorgensen, Laird, Layson,

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Lindsey, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Vance and Willis.

-66

And the bill:

H. 633. To amend Section 22-12C-5, Code of Alabama 1975; to revise the formula used to calculate civil monetary penalties for vendors who violate Women, Infants, and Children Nutritional Supplement (WIC) Program administrative rules; and to give WIC Program Director, administrative hearing officer, and others as designated by the State Health Officer authority to mitigate or settle adverse actions.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 1.

Yea:

Mr. Speaker, Allen, Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance and Willis.

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Nay:

Representative Holmes.

- 1

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, H. 395, was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Warren and Willis.

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And the bill:

H. 395. (With Substitute) (With Amendment): To require corporations, associations, health maintenance organizations, nonprofit health service organizations, employee-sponsored health benefit companies, or any similar organizations or entities providing various health coverages and plans to furnish prospective enrollees with a written description of the coverage, exclusions, services, medications, authorizations, financial responsibilities, and a right to information on financial arrangements between providers and the plan; and to cite this act as the "Patient Right to Know Act."

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Health to the bill, H. 395, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To require corporations, associations, health maintenance organizations, employer-sponsored health benefit plans, or any similar organizations or entities providing various health coverages and plans to furnish enrollees with a written description of the coverage, exclusions, services, medications, authorizations, financial responsibility for payment of coinsurance or other noncovered or out-of-plan service; and to cite this act as the "Patient Right to Know Act."

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the "Patient Right to Know Act."

Section 2. As used in this act, unless the context clearly indicates otherwise, the following words shall have the following meanings:

(1) ENROLLEE. A person who purchases individual health care coverage or an employer who purchases a group health care plan.

(2) PROVIDER. A physician, dentist, podiatrist, pharmacist, optometrist, psychologist, clinical social worker, advanced nurse practitioner, registered optician, licensed professional counselor, physical therapist, and chiropractor.

Section 3. (a) All persons, firms, corporations, associations, health maintenance organizations, health insurance services, or preferred provider organizations, any employer-sponsored health benefit plan, or any similar organization or entity, providing health, accident, or dental insurance coverage, either directly or indirectly, shall provide an enrollee with a written description of the terms and conditions of the plan. The written plan description shall be in a simple, readable, and easily understandable format and shall include all of the following:

(1) Coverage provisions including complete extent and exclusions or restrictions of coverage or service, including, but not limited to the following:

- a. Outpatient physician services.
- b. Referral to specialty physicians and other providers.
- c. Choice of pharmacy providers.
- d. Diagnostic tests, including mammography exams.
- e. Dental services.
- f. Chiropractic services.
- g. Hospitalization.
- h. Laboratory tests and services.
- i. FDA approved or scientifically sound therapies.
- j. Prescription drug coverage.
- k. Rehabilitation services, and physical, occupational, and vocational therapy.
- l. Mental health services.
- m. Long-term care.

n. Full range of reproductive services.

(2) Extent of benefits provided or excluded, including prescription drug coverage with both generic and brand names.

(3) Any exclusions or limitations by category of service, provider, and, if applicable, by the specific service or type of drug.

(4) Any prior authorizations, including procedures for and limitations or restrictions on referrals to a provider other than primary care physicians, dentists, or other review requirements, including preauthorization review, concurrent review, postservice review, and postpayment review.

(5) An explanation of the financial responsibility for payment of coinsurance or other noncovered or out-of-plan service.

(6) Disclosure to enrollees that includes the following language:

"You have the right to information about how the plan operates its care delivery system and an explanation of the benefits to which participants are entitled under the terms of the plan."

(7) The phone number and address for the enrollee to obtain additional information concerning the items described in subdivision (6) of this section.

(b) The organization or entity may provide the information under subdivision (a)(6) of this section by providing information in the entity's annual financial statement most recently submitted to the Department of Insurance.

Section 4. The information provided by Section 3 shall be updated annually and shall be provided to any enrollee on a schedule established by the entity.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective 60 days after its passage and approval by the Governor, or upon its otherwise becoming a law.

### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

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Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Warren and Willis.

-81

**AMENDMENT OFFERED**

The question was then on the adoption of the amendment reported by the Standing Committee on Health to the bill, H. 395, as amended, said committee amendment being as follows:

Amend Sub to H. 395 on Page 4, line 1, after the word "approved" by striking the following: ~~or scientifically sound therapies~~

**AMENDMENT TABLED**

On motion of Representative Johnson (R), the committee amendment reported by the Standing Committee on Ways and Means to the bill, H. 395, as amended, was tabled.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Vance, Warren and Willis.

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**AMENDMENT OFFERED**

Representative Johnson (R) offered the following amendment to the bill, H. 395, as amended:

Amend Sub to H. 395 on Page 4, line 1, after the word "approved" by striking the following: ~~or scientifically sound~~

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Warren and Willis.

-81

And the bill:

H. 395. To require corporations, associations, health maintenance organizations, employer-sponsored health benefit plans, or any similar organizations or entities providing various health coverages and plans to furnish enrollees with a written description of the coverage, exclusions, services, medications, authorizations, financial responsibility for payment of coinsurance or other noncovered or out-of-plan service; and to cite this act as the "Patient Right to Know Act."

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare,



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Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Warren and Willis.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Hilliard, the Budget Isolation Resolution relating to the bill, H. 649, was adopted.

Yeas 74; Nays 2.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Page, Papucci, Parker (P), Penry, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turnham, Vance, Warren and Willis.

-74

Nay:

Representatives Clark (W) and Payne.

- 2

And the bill:

H. 649. To establish the Alabama Task Force on the Status of African-American Males.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Burke, Buskey, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morton, Murphree, Page, Parker (P), Penry, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turnham, Vance, Warren and Willis.

-66

#### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Ford, the Budget Isolation Resolution relating to the bill, H. 497, was adopted.

Yeas 85; Nays 2.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Morrison, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Warren, Willis and Wren.

-85

Nay:

Representatives Hall (A) and Robinson.

- 2

And the bill:

H. 497. To make the exploitation of bears by bear wrestling for profit unlawful; to provide for Class B felony penalties, forfeiture and custody of the bear or bears used in the exploitation, and restitution.

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was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 2.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Cams, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren and Willis.

-90

Nay:

Representatives Hall (A) and Robinson.

- 2

**RESOLUTIONS**

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representatives Rogers (J), McAdory and Houston:

H.R. 311. COMMENDING ULYSSES REED AS IMPERIAL DEPUTY OF THE DESERT OF ALABAMA.

Also:

By Representative Graham:

H.R. 312. COMMENDING BOB STONE AS A TALLAPOOSA COUNTY UNITED WAY COMMUNITY HERO AND OLYMPIC TORCHBEARER.

Also:

By Representative Graham:

H.R. 313. COMMENDING R.E. KING AS A TALLAPOOSA COUNTY UNITED WAY COMMUNITY HERO AND OLYMPIC TORCHBEARER.

Also:

By Representative Graham:

H.R. 314. COMMENDING WESLEY MORAN AS A TALLAPOOSA COUNTY UNITED WAY COMMUNITY HERO AND OLYMPIC TORCHBEARER.

Also:

By Representative Hammett:

H.R. 315. RECOGNIZING THE 50TH ANNIVERSARY OF LOCKHART BAPTIST CHURCH.

Also:

By Representative Hammett:

H.R. 316. HONORING ROBIN DAVIS AS ONE OF TEN OUTSTANDING YOUNG AMERICANS.

Also:

By Representative Parker (T):

H.R. 317. COMMENDING POLICE OFFICER WILLIAM VARNER AS 1996 LAW ENFORCEMENT OFFICER OF THE YEAR.

Also:

By Representative Parker (T):

H.R. 318. COMMENDING TUSCALOOSA POST TROOPER WENDELL RAY LEWIS AS 1996 LAW ENFORCEMENT OFFICER OF THE YEAR.

Also:

By Representative Parker (T):

H.R. 319. COMMENDING NORTHPORT POLICE OFFICER DAN S. RABU AS 1996 LAW ENFORCEMENT OFFICER OF THE YEAR.

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Also:

By Representative Parker (T):

H.R. 320. COMMENDING TUSCALOOSA COUNTY DEPUTY ERIC F. BAILEY AS 1996 LAW ENFORCEMENT OFFICER OF THE YEAR.

Also:

By Representative Parker (T):

H.R. 321. COMMENDING TUSCALOOSA POLICE INVESTIGATOR EDWARD VAUGHN.

Also:

By Representative Parker (T):

H.R. 322. RECOGNIZING THE KIWANIS CLUB OF TUSCALOOSA ON ITS 75TH ANNIVERSARY.

Also:

By Representative Turnham:

H.R. 323. CONGRATULATING HARRY NELSON HILLYER ON THE OCCASION OF HIS 80TH BIRTHDAY.

Also:

By Representative Turnham:

H.R. 324. COMMENDING CAROLINE MARSHALL DRAUGHON ON HER OUTSTANDING CONTRIBUTIONS TO AUBURN UNIVERSITY.

Also:

By Representatives Pringle, Gaston, Dean, Turner, Buskey, Clark (W), Mitchell, Box and Kennedy:

H.R. 325. COMMENDING DR. L. GERALD LIGHTSEY, SR., FOR DISTINGUISHED SERVICE TO THE MOBILE COUNTY HEALTH DEPARTMENT.

Also:

By Representative Hinshaw:

H.R. 326. MOURNING THE DEATH OF ROBERT N. MAPLES OF HUNTSVILLE, ALABAMA.

Also:

By Representatives Hinshaw, Sanderford, Papucci, Haney, Jorgensen, Hall (L) and Hall (A):

H.R. 327. COMMENDING SERGEANT RICK PRESSNELL FOR HIS OUTSTANDING COMMUNITY SERVICE.

Also:

By Representatives Rogers (J), McAdory and Houston:

H.R. 328. COMMENDING LOSSIE M. CARTER AS IMPERIAL DEPUTY OF THE DESERT OF ALABAMA, DAUGHTERS OF ISIS.

### **SPECIAL ORDER CALENDAR RESUMED**

### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Crigler, the Budget Isolation Resolution relating to the bill, H. 684, was adopted.

Yeas 78; Nays 3.

Yea:

Representatives Baker, Bandy, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

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Nay:

Representatives Box, Hamilton and Page.

- 3

And the bill:

H. 684. To further provide for gill net fishing and licensure for hardship

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cases; to create the Board of Gill Net Hardship Licenses; to provide for the powers and duties of the board; to authorize the board to issue and enforce rules and regulations pursuant to the Alabama Administrative Procedure Act to implement this act; and to provide that this act is cumulative.

was taken up.

**AMENDMENT OFFERED**

Representative Rogers (J) offered the following amendment to the bill, H. 684:

To amend H. 684 on page 2 by adding after the period the following on line 20: "The Board of Gill Net Hardship Licenses shall be composed of at least two black members who are members of the Mobile Legislative delegation.

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 67; Nays 0.

Yea:

Representatives Baker, Bandy, Black (M), Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Drake, Dukes, Gaines, Galliher, Gipson, Graham, Guin, Hall (L), Hammett, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Penry, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turnham, Vance, Warren and Willis.

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**TIME TO DEBATE EXPIRED**

In accordance with the resolution, H.R. 294, the time to debate the bill, H. 684, as amended, expired and the Speaker proceeded to the next bill on the Special Order Calendar.

**RESOLUTIONS**

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Crigler:

H.R. 329. MOURNING THE DEATH OF VIRGINIA ANN WILLIAMS OF MOBILE, ALABAMA.

Also:

The following resolutions were introduced:

By Representatives Rogers (J), McAdory, Houston and Johnson (E):

H.J.R. 330. COMMENDING WEST END HIGH SCHOOL ON ITS OUTSTANDING ACCOMPLISHMENTS, AND 1995-1996 6A BASKETBALL CHAMPIONSHIP.

The resolution, H.J.R. 330, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Rogers (J), McAdory and Houston:

H.J.R. 331. HONORING CHARLES A. BOWSHER FOR HIS YEARS OF DISTINGUISHED SERVICE AS COMPTROLLER GENERAL OF THE UNITED STATES.

The resolution, H.J.R. 331, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Rogers (J), McAdory and Houston:

H.J.R. 332. URGING THE ALABAMA DEPARTMENT OF TRANSPORTATION TO BECOME MORE ACTIVE IN WORKING WITH LOCAL ENTITIES IN PROVIDING PUBLIC TRANSPORTATION.

The resolution, H.J.R. 332, was read and referred to the Standing Committee on Rules.



**SPECIAL ORDER CALENDAR RESUMED**

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Clouse, the Budget Isolation Resolution relating to the bill, H. 611, was adopted.

Yeas 86; Nays 0.

Yea:

Representatives Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-86

And the bill:

H. 611. (With Amendment): To amend Section 30-3-60, Code of Alabama 1975, relating to income withholding orders for support, to provide further for the definition of income to include other periodic income.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary to the bill, H. 611, said committee amendment being as follows:

Amend H. 611 on Page 2, Line 12, after the word "include" strike the following language. ~~rental income, insurance benefits, retirement benefits, interest income, periodic payments to independent contractors, and~~

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 83; Nays 0.

Yea:

Representatives Baker, Bandy, Black (M), Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

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#### AMENDMENT OFFERED

Representative Layson offered the following amendment to the bill, H. 611, as amended:

On page 2, line 7, delete the words "Wages, salary", and insert in lieu thereof the following: Wages and salary net after taxes

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 80; Nays 0.

Yea:

Representatives Baker, Bandy, Black (M), Box, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-80

And the bill:

H. 611. To amend Section 30-3-60, Code of Alabama 1975, relating to income withholding orders for support, to provide further for the definition of income to include other periodic income.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 86; Nays 0.

Yea:

Representatives Baker, Bandy, Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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### **BUDGET ISOLATION RESOLUTION OFFERED**

Representative Turnham offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 504.

### **TIME TO DEBATE EXPIRED**

In accordance with the resolution, H.R. 294, the time to debate the bill, H. 504, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

### **REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 222. To amend Section 40-12-248 of the Code of Alabama 1975, relating to the annual license taxes and registration fees for trucks or truck tractors; to further provide for the lower annual license tax and registration fee for certain trucks or truck tractors owned and used by a farmer.

TOMMY CARTER  
Chairman

And the bill, H. 222, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 395. To require corporations, associations, health maintenance organizations, employer-sponsored health benefit plans, or any similar organizations or entities providing various health coverages and plans to furnish enrollees with a written description of the coverage, exclusions, services, medications, authorizations, financial responsibility for payment of coinsurance or other noncovered or out-of-plan service; and to cite this act as the "Patient Right to Know Act."

TOMMY CARTER  
Chairman

And the bill, H. 395, as engrossed, was ordered sent to the Senate.

**SPECIAL ORDER CALENDAR RESUMED**

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Clouse, the Budget Isolation Resolution relating to the bill, H. 518, was adopted.

Yeas 76; Nays 0.

Yea:

Representatives Allen, Black (M), Box, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk,

Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren and Willis.

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And the bill:

H. 518. (With Amendment): To amend Sections 25-4-8, 25-4-10, 25-4-16, as amended by Act No. 95-311 of the 1995 Regular Session, 25-4-54, as amended by Acts 95-311 and 95-764 of the 1995 Regular Session, 25-4-92, and 25-4-152, Code of Alabama 1975, to provide further for the definition of employer, the definition of employment, the definition of wages, computation of the desired level of the unemployment compensation fund, appeals tribunals, and the voluntary deduction of federal income tax from unemployment compensation benefits.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Business and Labor to the bill, H. 518, said committee amendment being as follows:

Amend H. 518 on Page 54, Line 10 by inserting a period after the word "years" and striking the following: ~~however,~~

Further amend on page 54 by deleting lines 11 through 17 in their entirety

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 76; Nays 1.

Yea:

Representatives Allen, Black (M), Box, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Robinson, Rogers (J),

Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representative Guin.

- 1

And the bill:

H. 518. To amend Sections 25-4-8, 25-4-10, 25-4-16, as amended by Act No. 95-311 of the 1995 Regular Session, 25-4-54, as amended by Acts 95-311 and 95-764 of the 1995 Regular Session, 25-4-92, and 25-4-152, Code of Alabama 1975, to provide further for the definition of employer, the definition of employment, the definition of wages, computation of the desired level of the unemployment compensation fund, appeals tribunals, and the voluntary deduction of federal income tax from unemployment compensation benefits.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 78; Nays 0.

Yea:

Representatives Allen, Black (M), Box, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Vance, Venable, Warren, Willis and Wren.

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#### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Houston, the Budget Isolation Resolution relating to the bill, H. 533, was adopted.

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Yeas 85; Nays 1.

Yea:

Representatives Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representative Hawkins.

- 1

And the bill:

H. 533. (With Amendment): To authorize the mayor of any Class 1, 2, or 3 municipality, subject to budget restraints approved by the governing body, to make cash or non-cash awards in an amount not to exceed \$1,000 to employees of the municipality and to provide a method for selecting employees for exemplary performance or for innovations that significantly reduce costs or result in outstanding improvements in services to the public.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Government to the bill, H. 533, said committee amendment being as follows:

Amend H. 533 on Page 1, Line 10, in the Synopsis, after the word "of" by striking ~~Class 1, 2, and 3~~

Further amend H. 533 on Page 1, Line 13, in the Synopsis, after the word "of" by striking ~~Class 1, 2, and 3~~

Further amend H. 533, Page 1, Line 22, in the Title, after the word "any" by striking ~~Class 1, 2, or 3~~

Further amend H. 533, Page 2, beginning on Line 6, after the word "any" by striking ~~Class 1, 2, or 3~~

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 86; Nays 0.

Yea:

Representatives Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

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And the bill:

H. 533. To authorize the mayor of any municipality, subject to budget restraints approved by the governing body, to make cash or non-cash awards in an amount not to exceed \$1,000 to employees of the municipality and to provide a method for selecting employees for exemplary performance or for innovations that significantly reduce costs or result in outstanding improvements in services to the public.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 87; Nays 0.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Warren, Willis and Wren.

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**CO-SPONSORS ADDED**

The following were added as co-sponsors to the bill, H. 533, as amended:

Representatives Allen, Black (M), Burke, Clouse, Crigler, Galliher, Gipson, Guin, Hall (L), Hawkins, Hayden, Hinshaw, Jackson, Lindsey, McDaniel, Melton, Mitchell, Moore, Murphree, Newton (C), Page, Papucci, Parker (T), Reed, Rogers (J), Sanderford, Sanderson, Seibenhener, Spratt and Vance.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 65. URGING SCHOOL OFFICIALS TO CONDUCT STUDENT LOCKER SEARCHES AND USE DRUG DOGS, METAL DETECTORS, AND UNIFORMED POLICE OFFICERS IN SCHOOLS WHEN THE LOCAL BOARD OF EDUCATION DETERMINES SUCH ACTION TO BE NECESSARY, JUSTIFIED, AND APPROPRIATE.

Also:

S.J.R. 70. MOURNING THE DEATH OF JOHNNY ADAMS OF LOACHAPOKA, ALABAMA.

Also:

S.J.R. 71. URGING EACH LOCAL BOARD OF EDUCATION TO ENFORCE THE TRUANCY LAWS OF THE STATE OF ALABAMA.

McDOWELL LEE  
Secretary

**SIGNING OF SENATE JOINT RESOLUTIONS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 68. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Public Accountancy.

Also:

S. 70. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Auctioneers.

Also:

S. 72. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Cosmetology until October 1, 1997.

Also:

S. 74. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Funeral Service.

Also:

S. 79. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Mine Personnel.

Also:

S. 87. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Public Service Commission.

Also:

S. 89. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Real Estate Appraisers Board.

Also:

S. 90. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Real Estate Commission.

McDOWELL LEE  
Secretary

**SIGNING OF SENATE BILLS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 66. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Department of Insurance.

McDOWELL LEE  
Secretary

**SIGNING OF SENATE BILL**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

**SPECIAL ORDER CALENDAR RESUMED**

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Houston, the Budget Isolation Resolution relating to the bill, H. 294, was adopted.

Yeas 70; Nays 0.

Yea:

Representatives Allen, Bandy, Black (L), Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maul, McClammy, McKee, McMillan, Melton, Minnifield, Morrison, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Pringle, Reed,

Robinson, Rogers (J), Rogers (M), Sims, Smith, Townsend, Turner, Vance, Warren, Willis and Wren.

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And the bill:

H. 294. (With Amendments): To provide for a distinctive motor vehicle license tag or plate for members and supporters of fraternities and sororities; to prescribe the fees for the tags or plates; to provide for disposition of the net proceeds from the fees; to create the Alabama Fraternity/Sorority Scholarship Committee and Fund; and to provide for a delayed effective date.

was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Ways and Means to the bill, H. 294, said committee amendment being as follows:

On page 3, line 3, after the word "costs." Add the following: and cost of production

#### AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 72; Nays 0.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Buskey, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Vance, Warren, Willis and Wren.

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The question was then on the adoption of the amendment #2 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 294 on Page 3 by deleting lines 4 through 21 in their entirety.

Further amend the bill on Page 3, line 3 by deleting the word "Alabama".

Further amend the bill on Page 3 by adding after line 3 the following: "the four year institution of higher education's scholarship fund. The university shall be located in Alabama and participating in this tag program, designated by the fraternity or sorority member purchasing the tag."

**AMENDMENT ADOPTED**

And the amendment #2 was adopted.

Yeas 79; Nays 0.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Vance, Warren, Willis and Wren.

-79

And the bill:

H. 294. To provide for a distinctive motor vehicle license tag or plate for members and supporters of fraternities and sororities; to prescribe the fees for the tags or plates; to provide for disposition of the net proceeds from the fees; to create the Alabama Fraternity/Sorority Scholarship Committee and Fund; and to provide for a delayed effective date.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 79; Nays 0.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J),

Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Mitchell, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Vance, Warren, Willis and Wren.

-79

### BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McAdory, the Budget Isolation Resolution relating to the bill, H. 505, was adopted.

Yeas 73; Nays 1.

Yea:

Representatives Allen, Baker, Black (L), Black (M), Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dolbare, Drake, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Millican, Moore, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Warren, Willis and Wren.

-73

Nay:

Representative Minnifield.

- 1

And the bill:

H. 505. To amend Section 11-43D-14, Code of Alabama 1975, to remove the management of the mayor of certain Class 5 municipalities of public utilities; to provide that a public utility board be formed under Article 9, Chapter 11 of the Code of Alabama 1975 dealing with consolidation of utility boards; to provide for the board of directors of consolidated utility boards; and the dissolution of any utility boards formed under Chapter 97, Title 11 of the Code of Alabama 1975.

was taken up.

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**AMENDMENT OFFERED**

Representative McAdory offered the following amendment to the bill, H. 505:

Amend H. 505 on page 3, lines 5 and 14 by deleting the word "three" and inserting in lieu thereof the word "two".

Further amend the bill on page 3, line 10 by deleting the language "one director" and inserting in lieu thereof the language "two directors".

Further amend the bill on page 3, line 16 by deleting the language "director" and inserting in lieu thereof the language "two directors".

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 68; Nays 1.

Yea:

Representatives Allen, Baker, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dolbare, Drake, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Knight (A), Laird, Lindsey, Maull, McAdory, McClammy, McKee, Millican, Moore, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Venable, Warren, Willis and Wren.

-68

Nay:

Representative Minnifield.

- 1

And the bill:

H. 505. To amend Section 11-43D-14, Code of Alabama 1975, to remove the management of the mayor of certain Class 5 municipalities of public utilities; to provide that a public utility board be formed under Article 9, Chapter 11 of the Code of Alabama 1975 dealing with consolidation of utility boards; to provide for the board of directors of consolidated utility boards; and the dissolution of any utility boards formed under Chapter 97, Title 11 of the Code of Alabama 1975.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 68; Nays 1.

Yea:

Representatives Allen, Baker, Black (L), Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Knight (A), Laird, Lindsey, Maull, McAdory, McClammy, McKee, Millican, Moore, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Reed, Robinson, Rogers (J), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Venable, Warren, Willis and Wren.

-68

Nay:

Representative Minnifield.

- 1

### BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Sims, the Budget Isolation Resolution relating to the bill, H. 164, was adopted.

Yeas 77; Nays 1.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren and Willis.

-77

Nay:

Representative Rogers (J).

- 1



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And the bill:

H. 164. (With Substitute): Relating to hospitals and physicians; requiring the posting of the availability of the Medicaid Agency Consumer Hotline.

was taken up.

**TIME TO DEBATE EXPIRED**

In accordance with the resolution, H.R. 294, the time to debate the bill, H. 164, and the pending substitute reported by the Standing Committee on Health expired and the Speaker proceeded to the next bill on the Special Order Calendar.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Pringle, the Budget Isolation Resolution relating to the bill, H. 613, was adopted.

Yeas 80; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren and Willis.

-80

And the bill:

H. 613. To amend Act No. 90-529, H. 304, of the 1990 Regular Session, to create additional unclassified merit system positions for the Southern Environmental Enforcement Network.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-84

#### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Curry, the Budget Isolation Resolution relating to the bill, H. 211, was adopted.

Yeas 73; Nays 0.

Yea:

Representatives Allen, Bandy, Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Kennedy, Laird, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Reed, Robinson, Rogers (M), Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren and Willis.

-73

And the bill:

H. 211. To amend Section 36-27-125 of the Code of Alabama 1975, to provide further for certain increases in benefits for certain pensioners and annuitants.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

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Yeas 81; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren and Willis.

-81

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Graham, the Budget Isolation Resolution relating to the bill, H. 176, was adopted.

Yeas 80; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren and Willis.

-80

And the bill:

H. 176. (With Amendment): To amend Section 36-27-15.2 of the Code of Alabama 1975, to provide further for granting credit for certain prior service as a support employee in the Employees' and Teachers' Retirement Systems of Alabama.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means to the bill, H. 176, said committee amendment being as follows:

Amend H. 176 on Page 3, line 5 after the word "of" by deleting the words "~~out of state~~"

### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 79; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Vance and Willis.

-79

And the bill:

H. 176. To amend Section 36-27-15.2 of the Code of Alabama 1975, to provide further for granting credit for certain prior service as a support employee in the Employees' and Teachers' Retirement Systems of Alabama.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 82; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Dukes, Flowers, Gaines, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree,

Newton (D), Page, Papucci, Parker (P), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Warren, Willis and Wren.

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**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Smitherman (With Notice and Proof):

S. 440. Relating to Jefferson County; to authorize the Pension Board of the General Retirement System for Employees of Jefferson County to establish rules and regulations to allow former members of the Pension System who withdrew from the Pension System under Section 13 of Act No. 497, of the Regular Session of the Legislature of Alabama of 1965, as amended, and who rejoined the System pursuant to Act No. 86-706, First Extraordinary Session of 1986, to become eligible to receive Factor No. 3 of the Pension Benefit Formula for previous unpaid time, but excluding the period from the date of their withdrawal until January 3, 1987; to allow former members of the retirement system who withdrew from the System pursuant to Section 13 of said Act No. 497 and who did not rejoin the System pursuant to Act No. 86-706, a one-time opportunity to rejoin the System as new members with eligibility to receive Factor No. 3 of the Pension Benefit Formula but excluding the period from the date of their withdrawal until January 3, 1987; to prohibit certain new members who rejoined the System from converting any of the previous unpaid membership time to paid membership time for the Pension Benefit Formula; and to repeal Act No. 93-927 of the 1993 First Special Session of the Legislature.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 440, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 440. Local Legislation No. 2.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Ghee (With Notice and Proof):

S. 513. To amend Sections 13 and 14 of Act No. 79-157, S. 222 of the 1979 Regular Session (Acts 1979, p. 256), establishing the police officer's and firefighter's retirement fund for the City of Anniston in Calhoun County, to redefine further the formula for the computation of plan benefits; and to provide for optional benefit plans to be offered to members of the retirement plan.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 513, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 513. Local Legislation No. 1.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Waggoner (With Notice and Proof):

S. 454. Relating to Jefferson County, to provide that on and after the effective date of this act, the Jefferson County Tax Assessor and the Jefferson County Tax Collector, shall be entitled to have either an automobile with fuel, oil, and repairs furnished by Jefferson County for use in carrying out his or her official duties, or a certain automobile expense allowance as reimbursement for the use by the official of a personal vehicle and fuel, oil, and repairs for such official duties; and to repeal Act No. 95-735, 1995 Regular Session.

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I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 454, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 454. Local Legislation No. 2.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Biddle (With Notice and Proof):

S. 398. Relating to Jefferson County; amending Sections 1 and 2 of Act 89-702, H. 751 of the 1989 Regular Session (Acts 1989, p. 1397); to increase the number of county commission staff positions; and to provide that the additional positions are exempt from the merit system.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 398, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 398. Local Legislation No. 2.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Windom (With Notice and Proof):

S. 32. Relating to Mobile County; to provide for site-based management for the Mobile County School System and to provide for a referendum.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 32, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 32. Local Legislation No. 3.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 611. To amend Section 30-3-60, Code of Alabama 1975, relating to income withholding orders for support, to provide further for the definition of income to include other periodic income.

TOMMY CARTER  
Chairman

And the bill, H. 611, as engrossed, was ordered sent to the Senate.



**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 533. To authorize the mayor of any municipality, subject to budget restraints approved by the governing body, to make cash or non-cash awards in an amount not to exceed \$1,000 to employees of the municipality and to provide a method for selecting employees for exemplary performance or for innovations that significantly reduce costs or result in outstanding improvements in services to the public.

TOMMY CARTER  
Chairman

And the bill, H. 533, as engrossed, was ordered sent to the Senate.

**SPECIAL ORDER CALENDAR RESUMED**

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Hawk, the Budget Isolation Resolution relating to the bill, H. 589, was adopted.

Yeas 73; Nays 0.

Yea:

Representatives Allen, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Moore, Morrison, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Warren and Willis.

And the bill:

H. 589. To amend Sections 6-6-310, 6-6-332, 6-6-350, and 6-6-351, Code of Alabama 1975, relating to unlawful detainer actions; to remove the requirement that a landlord has to provide a 10-day notice to a tenant who breaches a lease; to allow for service of a summons and complaint by a private process server; to require the circuit court to expedite an unlawful detainer action which has been appealed from district court; to require a defendant who appeals a writ of restitution to pay all rent that becomes due and payable under a term of a lease; and to provide that where a defendant fails to pay rent that becomes due and payable into court, the court shall issue an order placing the plaintiff in possession of the premises.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 1.

Yea:

Representatives Allen, Baker, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McDaniel, McMillan, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (D), Papucci, Parker (P), Payne, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Warren, Willis and Wren.

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Nay:

Representative Holmes.

- 1

### **BUDGET ISOLATION RESOLUTION OFFERED**

Representative Hawk offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 273.

### **TIME TO DEBATE EXPIRED**

In accordance with the resolution, H.R. 294, the time to debate the bill, H. 273, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Guin, the Budget Isolation Resolution relating to the bill, H. 274, was adopted.

Yeas 61; Nays 5.

Yea:

Representatives Allen, Baker, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Flowers, Gaines, Gaston, Gipson, Guin, Hall (A), Hammett, Hayden, Hill, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McKee, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Page, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representatives Hall (L), Knight (J), Minnifield, Newton (D) and Rogers (J).

- 5

And the bill:

H. 274. (With Substitute): To prohibit institutions of higher education from providing college level courses to inmates of Alabama's penal system.

was taken up.

**TIME TO DEBATE EXPIRED**

In accordance with the resolution, H.R. 294, the time to debate the bill, H. 274, and the pending substitute reported by the Standing Committee on Ways and Means expired and the Speaker proceeded to the next bill on the Special Order Calendar.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 501. Relating to Shelby County, and particularly School Tax District No. 2 in said County; approving an increase of the three mill district ad valorem school tax levied pursuant to Amendment No. 3 to the Constitution of Alabama of 1901, by ten mills to thirteen mills, all in accordance with Amendment No. 373 to said Alabama Constitution; such additional ten mill tax to be levied and collected in said District by the governing body of Shelby County for each year beginning with the levy for the tax year October 1, 1995 to September 30, 1996 (the tax for which year will be due and payable October 1, 1996) and ending with the levy for the tax year October 1, 2016 to September 30, 2017 (the tax for which year will be due and payable October 1, 2017) for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of School Tax District No. 2 in Shelby County at an election called and held in accordance with the applicable laws governing such elections.

Also:

H. 502. Relating to Shelby County, and particularly School Tax District No. 1 in said County; approving an increase of the three mill district ad valorem school tax levied pursuant to Amendment No. 3 to the Constitution of Alabama of 1901, by ten mills to thirteen mills, all in accordance with Amendment No. 373 to said Alabama Constitution; such additional ten mill tax to be levied and collected in said District by the governing body of Shelby County for each year beginning with the levy for the tax year October 1, 1995 to September 30, 1996 (the tax for which year will be due and payable October 1, 1996) and ending with the levy for the tax year October 1, 2016 to September 30, 2017 (the tax for which year will be due and payable October 1, 2017) for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of School Tax District No. 1 in Shelby County at an election called and held in accordance with the applicable laws governing such elections.

Also:

H. 566. Relating to Talladega County; providing for the assessment of additional costs and charges in all circuit and district court cases, excluding small claims division cases; and providing for the establishment of a Judicial Administration Fund in the county and the distribution of moneys in the fund.

Also:

H. 579. Relating to Etowah County; to amend Section 4 of Act No. 95-208, 1995 Regular Session, creating the Etowah County Community Development Committee, to remove limitations on the expenditure of sales tax proceeds received by the committee.

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Also:

H. 580. Relating to Etowah County; to amend Sections 2 and 4 of Act No. 95-322, 1995 Regular Session, creating the Etowah County Library Committee; to provide that the committee may spend funds it receives from the local sales tax for professional services and capital expenditures.

Also:

H. 609. To propose an amendment to the Constitution of Alabama of 1901, relating to Calhoun County; providing for fire protection in the county; levying a special property tax for fire protection; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments; providing for expenditure and accounting of the funds; providing for the tax to end upon dissolution of the Calhoun County Volunteer Firefighters' Association; granting immunity from certain liability to the county; and providing for a referendum on this amendment.

McDOWELL LEE  
Secretary

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 45. To provide that the city council or governing body of a Class 2 municipality shall meet not less than 48 times per year.

Also:

H. 137. Relating to the 17th Judicial Circuit composed of Greene, Marengo, and Sumter Counties; to provide a salary supplement for district and circuit judges.

Also:

H. 193. To propose an amendment to the Constitution of Alabama of 1901, to provide that the Legislature, by local act, may provide for the election of the members of the board of education in the City of Bessemer in Jefferson County and may provide further for the operation of the board.

Also:

H. 391. Relating to the Twenty-fourth Judicial Circuit; providing for the establishment of a Judicial Administration Fund in the circuit and for the distribution of moneys in the fund.

Also:

H. 464. Relating to Limestone County; abolishing the office of constable.

McDOWELL LEE  
Secretary

### **SPECIAL ORDER CALENDAR RESUMED**

### **BUDGET ISOLATION RESOLUTION OFFERED**

Representative Morrison offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 521.

### **TIME TO DEBATE EXPIRED**

In accordance with the resolution, H.R. 294, the time to debate the bill, H. 521, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Dolbare, the Budget Isolation Resolution relating to the bill, H. 621, was adopted.

Yeas 74; Nays 0.

Yea:

Representatives Allen, Bandy, Box, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, McAdory, McClammy, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, Willis and Wren.

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And the bill:

H. 621. Providing for distinctive motor vehicle license tags or plates to

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honor Alabama's Indian heritage; providing for fees for the distinctive license tags or plates and for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 1.

Yea:

Representatives Allen, Bandy, Black (L), Box, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, McAdory, McClammy, McKee, McMillan, Millican, Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, Willis and Wren.

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Nay:

Representative Holmes.

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**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Lindsey:

**S.J.R. 75. CREATING A JOINT LEGISLATIVE COMMITTEE FOR THE ALABAMA AGRICULTURAL CENTER.**

WHEREAS, the Alabama Agricultural Center, known as Garrett Coliseum, is the site of the largest cattle, equestrian, and livestock expositions in the State of Alabama and is one of the most used facilities in the state, visited by more than 20 million people since its opening in 1953; and

WHEREAS, in 1995, the Garrett Coliseum was rented for 121 days for livestock related events which make up approximately 60 percent of the revenue produced by the coliseum; and

WHEREAS, the growth of the cattle, equestrian, and livestock industries is expected to place greater demands on the utilization of the facilities at the Alabama Agricultural Center due to its central location in the state, and that improvements and additions to the existing forty-year old facilities will be required to meet these expected future needs; and

WHEREAS, neighboring states are actively competing for the same and similar events as those held at the Alabama Agricultural Center, and that the newer facilities in those states have seriously eroded Alabama's position of leadership in the areas of agricultural, livestock, and equestrian exhibitions; and

WHEREAS, the development of a master plan for the refurbishing and subsequent development of the current facilities is a major project that will serve the people of the State of Alabama and provide economic growth, employment, and revenues, as well as national prestige and recognition of the facilities and the state's agricultural, livestock, and equestrian industries; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is created a Joint Legislative Committee for the Alabama Agricultural Center. The committee shall consist of three members of the Alabama Senate appointed by the Lieutenant Governor; three Alabama citizens at-large to be appointed by the Lieutenant Governor; three members of the Alabama House of Representatives to be appointed by the Speaker of the House of Representatives; and three Alabama citizens at-large to be appointed by the Speaker of the House of Representatives.

The committee shall select a chair and co-chair from among its membership and shall form their own rules of procedure for conducting its business.

Upon the request of the chair, the Clerk of the House and the Secretary of the Senate shall provide the clerical assistance necessary for the committee's work.

The committee shall oversee the development of a long-range master plan and the subsequent further development of the Alabama Agricultural Center, including Garrett Coliseum and the other facilities of the complex.

Each legislative member shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. Notwithstanding the foregoing, no legislative member shall be paid any of the



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payments on the same dates for attendance of other state business. The total expenditure of the committee shall not exceed five thousand dollars (\$5,000).

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The resolution, S.J.R. 75, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Roberts:

S.J.R. 76. COMMENDING K.C. THOMASKUTTY AS 1995-1996 STATE PRINCIPAL OF THE YEAR.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The resolution, S.J.R. 76, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**RESOLUTIONS**

The following resolutions were introduced:

By Representatives Haney, Hall (L), Papucci, Jorgensen, Hall (A), Hinshaw and Sanderford:

H. J. R. 333. COMMENDING THE UNIVERSITY OF ALABAMA-HUNTSVILLE ON ITS NCAA DIVISION II ICE HOCKEY CHAMPIONSHIP.

The resolution, H.J.R. 333, was read and referred to the Standing Committee on Rules.

Also:

By Representative Reed:

H.J.R. 334. COMMENDING DOTHAN AND HOUSTON COUNTY ORGANIZATIONS FOR EFFORTS IN SPONSORING STATUE OF DR. GEORGE WASHINGTON CARVER IN DOTHAN.

The resolution, H.J.R. 334, was read and referred to the Standing Committee on Rules.

**CERTIFICATE OF CLERK**

To the House of Representatives:

I hereby certify that the House Bills mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 4:10 P.M. on April 2, 1996.

H. 430

H. 33

GREG PAPPAS  
Clerk

**ADJOURNMENT**

On motion of Representative Clark (W), the House adjourned until 1:00 o'clock p.m., Wednesday, April 3, 1996.

Yeas 41; Nays 29.

Yea:

Representatives Bandy, Black (L), Boyd, Burke, Buskey, Clark (W), Crigler, Curry, Guin, Hall (L), Hamilton, Hawkins, Hayden, Hilliard, Holmes, Houston, Jackson, Jorgensen, Kennedy, Knight (J), Layson, McAdory, McClammy, McKee, Melton, Moore, Murphree, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Reed, Rogers (J), Sanderson, Seibenhener, Spratt, Townsend, Turnham, Vance and Wren.

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Nay:

Representatives Box, Carns, Carothers, Clouse, Collins, Dukes, Gaines, Gaston, Gipson, Hammett, Haney, Hawk, Hill, Hinshaw, Hogan, Johnson (R), Knight (A), McDaniel, Millican, Minnifield, Mitchell, Papucci, Petelos, Rogers (M), Sanderford, Thomas (D), Thomas (J), Warren and Willis.

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**SIXTEENTH DAY**

**House of Representatives  
Montgomery, Alabama  
Wednesday, April 3, 1996**

The House met pursuant to adjournment.

**PRAYER**

The session was opened with prayer by Reverend Chip Smith, Glynwood Baptist Church, Prattville, Alabama.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Leslee Register, 10th Grade, Lee High School, Montgomery, Alabama.

**ROLL CALL**

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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A quorum was present.

**REPORT OF STANDING COMMITTEE ON RULES**

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fifteenth legislative day and finds the same to be correct.

**TOMMY CARTER**  
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the fifteenth legislative day was dispensed with.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**S.J.R. 67. COMMENDING THE PRATTVILLE HIGH SCHOOL LADY LIONS ON AN OUTSTANDING 1995-96 BASKETBALL SEASON.**

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 67.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**S.J.R. 76. COMMENDING K.C. THOMASKUTTY AS 1995-1996 STATE PRINCIPAL OF THE YEAR.**

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 76.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**S.J.R. 75. CREATING A JOINT LEGISLATIVE COMMITTEE FOR THE ALABAMA AGRICULTURAL CENTER.**

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 75.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 296. COMMENDING HARRIETTE AND TOM ROST AND CARROUSEL PRODUCTIONS FOR OUTSTANDING CONTRIBUTIONS TO OUR ELDERLY CITIZENS.**

WHEREAS, it is with highest commendation that the Alabama Legislature notes the selection of Harriette and Tom Rost, and Carrousel Productions as recipients of the Governor's Award for Innovation for the Alabama Gerontological Society; and

WHEREAS, Harriette and Tom Rost have given generously and selflessly of their time, resources, and God-given talents toward the betterment and well-being of the aging within the Huntsville/Limestone County community; and

WHEREAS, they have worked tirelessly and devoted untold hours to help make the community more aware of the problems and the needs of the elderly by providing educational slides and video, equipment, photography, sound systems, talent and expertise to the various departments and agencies on aging, and to promote special fund-raising events such as the CASA Mud Volleyball Tournament benefiting the aged and homebound in Limestone County, and, most especially, the Poke Sallet Revival, a highly successful fund-raising event and innovative concept they instituted for the Foundation on Aging benefiting the Athens Senior Center and its programs, and bringing wide-range recognition and exposure to the Council on Aging and building a broader base of support for its programs; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we hereby most highly commend Harriette and Tom Rost and Carrousel Productions as recipients of this eminent and well-deserved honor and award, and for their invaluable contributions to the aging in their community and state, and direct that they receive a copy of this resolution as an expression of our sincere regard and esteem.

On motion of Representative Carter, the resolution, H.J.R. 296, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 293. MOURNING THE DEATH OF DEACON CHARLES D. STALLWORTH.**

WHEREAS, herein grievously mourned is the lamentable death of Deacon Charles D. Stallworth on March 20, 1996, at the age of 89 years; and

WHEREAS, Deacon Stallworth was born November 22, 1906, to the late Lewis and Lydia Stallworth; he was united in holy matrimony to Annie Horn and to this happy union two sons were born, Charles D. Stallworth, Jr., and Willie Lewis Stallworth; and

WHEREAS, he accepted Christ as his Savior at an early age and, over the years, grew in his faith and commitment as a devoted and faithful Christian, serving his church as a Sunday School teacher and superintendent, and as a deacon until his health began to fail; he was also active within the community as a member of such organizations as Millry Grand Lodge #777; and

WHEREAS, over a distinguished career which spanned some 50 years in the field of education, Deacon Stallworth served with the Washington County Board of Education as principal at Koenton High School, North Central High and Chatom Middle School, and retired as principal from the Washington County School System; and

WHEREAS, Deacon Stallworth was indeed a man of genuine care and concern for others, and one whose death has left an unfathomable void in the lives of his loving family, and in the hearts of all those who so greatly benefitted from his commitment to their needs; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That even as we mourn his death, we give thanks unto God for the life and service of Deacon Charles D. Stallworth, and extend heartfelt sympathy to his beloved wife, Annie H. Stallworth; sons, Charles D. Stallworth, Jr., and Willie Lewis Stallworth; grandchildren, Willie Lewis Stallworth, II, and Mia LaTrice Stallworth; and other close family members and friends, for whom a copy of this resolution shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 293, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 297. RECOGNIZING LIEUTENANT KEN MAYS UPON HIS RETIREMENT FROM THE ALABAMA BUREAU OF INVESTIGATION, NORTHERN DISTRICT.

WHEREAS, Lieutenant Ken Mays, a resident of Hamilton, Alabama, has unselfishly served in the law-enforcement field with great dedication and distinction for the past 25 years, currently serving as Assistant Commander of Criminal Investigations for the Alabama Bureau of Investigation, Northern District; and

WHEREAS, a graduate of the University of Alabama at Birmingham, and the Argenbright Polygraph Institute, Lieutenant Mays is an accomplished polygraph examiner and interrogator, and has earned the respect and admiration of his peers by obtaining high confession rates and arrests in sexual abuse cases; he is credited with obtaining a confession from the pedophile with a record number of confirmed victims in the State of Alabama; and

WHEREAS, Lieutenant Mays has contributed generously to every worthwhile endeavor for the betterment of his community, and has conducted seminars in effective sexual abuse interview techniques; and

WHEREAS, in addition to his many professional responsibilities and pursuits, Lieutenant Mays is a Little League baseball coach, a board member with the City Recreation Department, and serves with devotion as a teacher with the Married Couples Sunday School Class at his church; and

WHEREAS, the high esteem in which Lieutenant Ken Mays is held by his wife, Ernestine, their three children, and myriad of friends and other individuals fortunate enough to know him indeed stands as a testament for others who strive for the best in personal, professional, and community life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Lieutenant Mays is commended on his distinguished record of service with the Alabama Bureau of Investigation, Northern District, and that a copy of this resolution be presented to him as a token of our respect and best wishes.

On motion of Representative Carter, the resolution, H.J.R. 297, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 298. COMMENDING DENISE IRELAND CYPRESS ON HER OUTSTANDING ACCOMPLISHMENTS AS A TEACHER.

WHEREAS, it is with utmost pride and pleasure that heartiest congratulations are herein extended to Denise Ireland Cypress for her outstanding accomplishments as a teacher; and

WHEREAS, a graduate of Fort Payne High School, Mrs. Cypress attended Samford University, the University of Alabama at Birmingham, and pursued graduate studies at the University of Alabama; and

WHEREAS, creating an illustrious record as an educator, Mrs. Cypress has served on the faculty of Mountain Brook High School for 15 years, and as a successful chair with the Department of Learning Disabilities' Specialist; and

WHEREAS, receiving countless honors and awards, Mrs. Cypress was Mountain Brook Rotary Club Teacher of the Year for 1995, a finalist in the Birmingham Post Herald Outstanding Teacher of the Year for 1996, and was one of five Outstanding Teachers in the Mountain Brook School System; and

WHEREAS, Denise Ireland Cypress has been the loving wife of husband, Fred K. Cypress, for 12 years; and they are the proud parents of a son, David; and

WHEREAS, Mrs. Cypress is impeccably qualified to hold the honored position of outstanding teacher, and has gained praise and recognition for her many innovative educational programs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Denise Ireland Cypress on her numerous awards as outstanding teacher, and further direct that she receive a copy of this resolution of sincere admiration and esteem.

On motion of Representative Carter, the resolution, H.J.R. 298, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:



**H.J.R. 299. COMMENDING PHILIP R. ALKER FOR DISTINGUISHED SERVICE TO THE PRATTVILLE AREA CHAMBER OF COMMERCE.**

WHEREAS, Philip Alker joined the Prattville Area Chamber of Commerce in July 1982, and, over the past 13 years of his distinguished tenure, both the organization and the community experienced phenomenal growth; and

WHEREAS, under his capable leadership and direction, the chamber grew from 100 members to over 700, and chamber staff from 2 to 5; the chamber relocated to larger and better quarters; chamber publications were upgraded; new industries located in the Prattville area, including Prattville Manufacturing (1986), Plaxicon (1988), USA Industries (1992); and existing industries were expanded; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service to the Prattville Area Chamber of Commerce, and to the community, we hereby most highly commend Philip R. Alker, and direct that he receive a copy of this resolution with our sincere regard and best wishes for the future.

On motion of Representative Carter, the resolution, H.J.R. 299, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 300. COMMENDING CAROLINE MARSHALL DRAUGHON ON HER OUTSTANDING CONTRIBUTIONS TO AUBURN UNIVERSITY.**

WHEREAS, it is with utmost pride and pleasure that the Alabama Legislature recognizes Caroline Marshall Draughon for her notable accomplishments at Auburn University, Auburn, Alabama; and

WHEREAS, Mrs. Draughon was the wife of the late Ralph B. Draughon, who was both acting President in 1947 and President of Auburn University from 1948 to 1965; and

WHEREAS, a native of Orrville, Alabama, Mrs. Draughon is a graduate of Selma High School and Huntingdon College, and attended Alabama Polytechnic Institute, which is now Auburn University; and

WHEREAS, known affectionately as "Miss Caroline," and dubbed "Chancellor of Auburn University" by her husband, Mrs. Draughon, who is founder of the Campus Club of Auburn University, will be honored at a luncheon on May 1, 1996, during the 50th Anniversary of the Newcomers and Campus Clubs; and

WHEREAS, noted for her intense commitment to Auburn University, the Campus Club established a Campus Club-Caroline Draughon Award to assist an Auburn University student with books and supplies; and

WHEREAS, one of Auburn's special first ladies, Caroline Marshall Draughon has been unselfish in giving her time to campus and community organizations, and has been an exemplar of the "Auburn Spirit"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Mrs. Draughon, a true Southern lady who has the ability to successfully organize an army with a velvet touch.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Caroline Marshall Draughon with our highest praise and esteem.

On motion of Representative Carter, the resolution, H.J.R. 300, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 301. COMMENDING ROBERT F. GLASS ON HIS OUTSTANDING CHARITABLE CONTRIBUTIONS.

WHEREAS, it is with inordinate pride and pleasure that the Legislature of Alabama commends Robert F. Glass of Marion County for his supreme gift of service to others; and

WHEREAS, Mr. Glass, who has earned respect and admiration with his generous spirit and great sensitivity to the needs of others, has provided tasty and nutritious meals to young people at Free Will Baptist Children's Home, Christian Centers of Concern, and other organizations serving those in need; and

WHEREAS, Mr. Glass is a man of vision who always has the best interests of his community in mind, and his donations of cornmeal and deer meat have provided additional food to needy organizations, as well as provided a great savings on their grocery bills; and

WHEREAS, in his continuous perseverance to serve others, Mr. Glass also has been instrumental in building a processing house to assist in the continuation of this valuable service to needy organizations in Marion, Lamar, and Fayette Counties; and

WHEREAS, the way Robert F. Glass lives his life and treats others is indeed a living testimony of his faith and compassion, and his deeds of kindness will be long remembered; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mr. Glass, whom we hold in highest personal regard, is commended on his distinguished record of community service, and provided a copy of this resolution as a measure of highest regard and esteem.

On motion of Representative Carter, the resolution, H.J.R. 301, was adopted.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 302. RECOGNIZING THE KIWANIS CLUB OF TUSCALOOSA ON ITS 75TH ANNIVERSARY.

WHEREAS, the Kiwanis Club of Tuscaloosa is recognized, and its members commended, for the many activities of the club to improve the quality of life within the local community, and throughout the state; and

WHEREAS, a Kiwanian is a person of good character, who provides, through club service, a practical way to build enduring friendships while building a greater community; and

WHEREAS, numerous outstanding contributions to society and civic life have been provided by the Kiwanis Club of Tuscaloosa, including an annual pancake day fundraiser, Special Olympics, and both the United Cerebral Palsy Telethon and Childrens' Hospital Phone-A-Thon, to mention a few; and

WHEREAS, with 75 years of continuous community service, the Kiwanis Club also sponsors the March of Dimes, Girls and Boys Clubs, Meals on Wheels, the Circle K Club at the University of Alabama, and the Key Clubs at Brookwood, among numerous others; and

WHEREAS, the Kiwanis Club of Tuscaloosa is indeed a true servant of the community, which has dedicated the great talent and abilities of its members to benefit the citizens of Tuscaloosa and surrounding areas; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily recognize the Kiwanis Club of Tuscaloosa on its 75th Anniversary and, by copy of this resolution, extend sincere best wishes to its members for continued success in the future.

On motion of Representative Carter, the resolution, H.J.R. 302, was adopted.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 303. COMMENDING DR. REGINA M. BENJAMIN UPON HER SELECTION TO THE AMERICAN MEDICAL ASSOCIATION BOARD OF TRUSTEES.**

WHEREAS, in 1995, Dr. Regina M. Benjamin was the first Young Physician (under age 40) elected to the American Medical Association (AMA) Board of Trustees, as well as its first African American Woman; and

WHEREAS, a native of Daphne, Alabama, Dr. Benjamin received her B.S. degree with honors from Xavier University, an M.D. degree from the University of Alabama, Birmingham, and an M.B.A. from Tulane University; and

WHEREAS, Dr. Benjamin has garnered numerous honors and awards in recognition of her accomplishments, including a Kellogg National Fellow and American Foundation for Negro Affairs Scholar; she also is a clinical professor and serves as a preceptor for rural medicine and family medicine clerkships at the University of Alabama, Birmingham, and the University of South Alabama medical schools, to name but a few; and

WHEREAS, she also has established an unparalleled record of leadership and involvement in numerous organizations, including member of the Council on Graduate Medical Education Medical Licensure Work Group, Governor's Health Care Reform Task Force, serves as Vice President of the Governor's Commission on Aging, and was the first Black woman elected to the Medical Association of the State of Alabama Board of Censors; and

WHEREAS, a Diplomate of the American Board of Family Practice, and a Fellow of the American College of Family Physicians, Dr. Benjamin is indeed recognized for the respect and admiration she has earned from her extraordinary service as a member of the American Medical Association Board of Trustees; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we hereby most highly commend Dr. Regina M. Benjamin, whom we hold in highest regard, and do furthermore direct that she receive a copy of this resolution, executed in admiration of her many outstanding accomplishments, and with sincere best wishes for every future happiness and success in life.

On motion of Representative Carter, the resolution, H.J.R. 303, was adopted.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 306. COMMENDING THE SOUTHEAST YMCA NINE-YEAR-OLD ALL-STAR BASKETBALL TEAM.**

WHEREAS, it is with great pride and pleasure that the Alabama Legislature most heartily congratulates the Southeast YMCA Nine-Year-Old All-Star Basketball Team as winners of the State YMCA All-Star Basketball Championship; and

WHEREAS, the Southeast YMCA Nine-Year-Old Basketball Team has brought immense happiness and pride to the local community, and in recognition thereof, the team members, coaching staff, and all of those individuals associated with the team are deserving of special public commendation; and

WHEREAS, members of this talented group of athletes, of whom we are justly proud, are: Dibe Djonret, Michael Henig, David Garner, Bennett Maddox, Michael McNair, Thomas Hooper, Robert Mooty, Ross Steinhilber, Jack Simon, and Zach Rolen; and

WHEREAS, these young men, under the skillful leadership and astute guidance of veteran Coach Perry Hooper, Jr., and Zach Rolen, have shown great desire and determination as a team to play to the best of their abilities; and

WHEREAS, defeating four squads from three different cities, the winning game was played against the Tuscaloosa Red who led the Southeast Blues by one point in the last nine seconds of the game; and

WHEREAS, refusing to fold under pressure and displaying a will-to-win spirit, guard David Garner passed to guard Thomas Hooper who succeeded in sinking the victory shot with one second left on the scoreboard; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we hereby commend the Southeast YMCA Nine-Year-Old Basketball Team on its State YMCA All-Star Basketball Championship, and do further direct that a copy of this resolution be presented to each member and the coaches of this championship basketball club, so that they may know of our admiration and approval.

On motion of Representative Carter, the resolution, H.J.R. 306, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 330. COMMENDING WEST END HIGH SCHOOL ON ITS OUTSTANDING ACCOMPLISHMENTS, AND 1995-1996 6A BASKETBALL CHAMPIONSHIP.**

WHEREAS, the West End High School Basketball Team has won the 1995-1996 6A State Basketball Championship, thus bringing immense happiness and pride to the local community and state and, in recognition thereof, the team members, the coaching staff, and all of those individuals associated with the team are deserving of special public commendation; and

WHEREAS, other notable accomplishments of the Lions during their season of perfection include capturing the Wenonah-Woodlawn Classic and the prestigious Sprite Magic City Classic, and being voted number five in the South and an impressive number 15 in the nation in the U.S.A. Today final Super 25 High School Rankings; and

WHEREAS, the members of the 30-0 West End High School Team, who may rightfully be called champions, are: Jonathan Allen, LeAndrew Bass, Anthony Bell, Tamar Bufford, Michael Christion, Dedrick Dance, Kelley Hall, Jermaine Johnson, Germaine Mobley, Chris Nelson, Xavier Purdue, Myron Ransom, Alfred Riggins, Derek Story, and Marquez Thomas; and

WHEREAS, the countless hours of instruction offered by Head Coach Robert Scott, and Assistant Coaches Charles Colston, DeWayne Osborne, Matthew Lewis, Eddie Phillips, Andrea Reynolds, and Reginald McGary created an unselfish championship club with a unity of purpose, and a will to win that was evident to all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, and in expression of pride that is shared statewide, we hereby most highly commend and congratulate the West End High School Basketball Team on its 6A State Basketball Championship, and do further direct that a copy of this resolution be presented to West End High School Principal Alfred E. Cottrell with our sincere best wishes for continued success.

On motion of Representative Carter, the resolution, H.J.R. 330, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 331. HONORING CHARLES A. BOWSHER FOR HIS YEARS OF DISTINGUISHED SERVICE AS COMPTROLLER GENERAL OF THE UNITED STATES.

WHEREAS, on the occasion of his retirement, it is with highest commendation that the Alabama Legislature recognizes Charles A. Bowsher, current Comptroller General of the United States, for his distinguished career with the United States General Accounting Office, the investigative and auditing arm of Congress; and

WHEREAS, serving with honor and distinction, Mr. Bowsher spent 15 years in devoted service to the United States Accounting Office, auditing, evaluating, or investigating virtually all federal operations wherever they took place, avoiding major losses from waste, fraud, abuse and mismanagement; and

WHEREAS, Mr. Bowsher led the effort to improve federal financial management, and to more effectively use federal funds which resulted in budget reductions, cost avoidances, appropriation deferrals, and revenue enhancements, totaling more than \$100 billion in savings; and

WHEREAS, the United States General Accounting Office, under the leadership of Mr. Bowsher, has produced in-depth reports at the specific request of Congressional committees on issues such as health care reform, savings and loan crisis, federal budget deficit, and efforts to reinvent government; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to his many accomplishments, and in appreciation of his immeasurable contributions to the citizens of this country, Mr. Charles A. Bowsher is hereby extended the highest commendation for his devoted service.

BE IT FURTHER RESOLVED, That a copy of this resolution of deepest gratitude be prepared for presentation to Mr. Charles A. Bowsher on the occasion of his retirement.

On motion of Representative Carter, the resolution, H.J.R. 331, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H. J. R. 333. COMMENDING THE UNIVERSITY OF ALABAMA-HUNTSVILLE ON ITS NCAA DIVISION II ICE HOCKEY CHAMPIONSHIP.**

WHEREAS, the University of Alabama-Huntsville has won the NCAA Division II Ice Hockey Championship Tournament, thus bringing immense happiness and pride to the local community and state and, in recognition thereof, the team members, the members of the coaching staff, and all of those individuals associated with the team are deserving of special public commendation; and

WHEREAS, coming off of a 4-3 win at Mankato State, the Alabama-Huntsville Ice Hockey Team put it all together to wind up as the only undefeated hockey team in North America; and

WHEREAS, ranked Number 1 throughout the season, the Chargers went on to defeat Bemidji State at the Von Braun Civic Center to win the Division II Championship; and

WHEREAS, in their determination to develop the fullest potential of the players, UAH Coach Doug Ross has devoted countless hours to training the members and emphasizing discipline and good sportsmanship; and

WHEREAS, the people of Huntsville can be proud of athletic competitors of the caliber of the University of Alabama-Huntsville Ice Hockey Team, who so admirably represent them in sporting events, and who possess the skill and determination to succeed in their efforts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the University of Alabama-Huntsville Ice Hockey Team is commended for the exemplary manner in which they have represented their school and community.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Athletic Director Jim Harris for appropriate presentation and display.

On motion of Representative Carter, the resolution, H.J.R. 333, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H. J. R. 334. COMMENDING DOTHAN AND HOUSTON COUNTY ORGANIZATIONS FOR EFFORTS IN SPONSORING STATUE OF DR. GEORGE WASHINGTON CARVER IN DOTHAN.**



WHEREAS, the newly erected statue honoring Dr. George Washington Carver on the grounds of the National Peanut Festival Association office in Dothan is the culmination of the efforts of the following sponsors: National Peanut Festival Association; Buffalo Rock/Pepsi; Houston County Commission; City of Dothan; Southtrust Bank; Tom's Peanuts; Lewis-Smith Supply Corporation; Renaissance Club; Tuskegee Alumni; John Watson; Alabama Peanut Producers Association; St. Mary Baptist Association; First Alabama Bank; First Missionary Baptist Church; Interdenominational Ministerial Alliance; Coca-Cola Bottling Company; Wiregrass Consistory #229; and other individuals and groups too numerous to mention; and

WHEREAS, at the request of his friend and colleague, Booker T. Washington, Dr. Carver left the security of Iowa State University, where he had already gained national attention for his agricultural research, to come to Tuskegee Institute to help teach fellow Black farmers the sciences of food harvesting; and

WHEREAS, thanks to the pioneering work of Dr. Carver, and other dedicated agricultural scientists, peanut farming has grown into a major agricultural industry in our state, especially in the Dothan area; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend the worthy efforts of those Dothan and Houston County organizations herein recognized which have sponsored the monument to Dr. George Washington Carver.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided to the National Peanut Festival Association for appropriate display.

On motion of Representative Carter, the resolution, H.J.R. 334, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H. R. 295. EXPRESSING SUPPORT FOR AMERICAN BRIDGESTONE/FIRESTONE EMPLOYEES.**

WHEREAS, Yoichiro Kaizaki, Chief Executive Officer of the Japan-based Bridgestone is attacking America's Bridgestone/Firestone workers by trying to drive down wages, slash health care benefits, destroy safety protection, and mandate 12-hour work days; and

WHEREAS, Kaizaki brought in goon squads to intimidate American Bridgestone/Firestone workers; and

WHEREAS, Kaizaki prepared to ship 3,000,000 tires to America for his war against American employees; and

WHEREAS, when the workers stood up to the Kaizaki demands, Bridgestone/Firestone permanently replaced them, an action which is prohibited in Japan; and

WHEREAS, Kaizaki brought in scabs from foreign countries to replace striking American workers; which is illegal in our country; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That the State of Alabama goes on record in unequivocal support of the Bridgestone/Firestone employees, and that as evidence of our support, copies of this resolution shall be sent to the Bridgestone/Firestone Corporate Headquarters and the United Steelworkers of America.

BE IT FURTHER RESOLVED, That the action Yoichiro Kaizaki has taken has brought dishonor upon Japan and its people, and accordingly, a copy of this resolution shall be sent to the Embassy of Japan in Washington, D.C., so that they may be informed of our sentiments.

On motion of Representative Carter, the resolution, H.R. 295, was adopted.

### **BILLS ON SECOND READING**

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 602. To provide for a cost-of-living increase to certain retirees and beneficiaries of the Employees' Retirement System.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 531. (With Substitute): To make a supplemental appropriation in the amount of \$1,500,000 from the State General Fund in the State Treasury to the Agricultural and Conservation Development Commission for approved poultry dead bird and animal waste disposal for the fiscal year ending September 30, 1996.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 682. To provide for a FY 1995-96 supplemental appropriation in the amount of \$150,000 from the Board of Cosmetology Fund to the Alabama Board of Cosmetology.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 206. (With Amendment): To amend Sections 41-10-390, 41-10-391, 41-10-395, and 41-10-396 of the Code of Alabama 1975, relating to the Alabama Supercomputer Authority, to provide further for the name of the authority, the purpose of the authority, the board of directors of the authority and certain powers of the authority.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 97. (With Substitute) (With Amendment): To establish a vision screening program to test the vision of certain public school students and to make an appropriation from the Education Trust Fund to the State Board of Education for the fiscal year ending September 30, 1997, for implementation of the program.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 125. (With Substitute): To make a supplemental appropriation of \$200,000 from the Alabama Special Educational Trust Fund to the State Department of Education for the fiscal year ending September 30, 1996, for character education and to make a supplemental appropriation of \$300,000 from the Alabama Special Educational Trust Fund to the State Department of Education for the fiscal year ending September 30, 1996, for the Inspector Detector Program.

H. 306. (With Substitute): To make an appropriation of \$2,500,000 from the Education Trust Fund to Constitution Hall Village at Huntsville, Alabama, for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

H. 557. (With Substitute): To make an appropriation of \$200,000 from the Education Trust Fund to the Alabama Humanities Foundation for the fiscal year ending September 30, 1997, and to require an audited financial statement and operations plan prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 46. To amend Section 12-17-40, Code of Alabama 1975, relating to supernumerary circuit judges, to provide further for the individuals who may qualify as supernumerary judges.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 182. (With Substitute): To amend Section 32-5A-191 of the Code of Alabama 1975, as amended by Act No. 95-784, S. 338, 1995 Regular Session (Acts 1995, p. 1862), relating to driving under the influence of alcohol and drugs; to prohibit the operation of a motor vehicle by a person who is under the legal drinking age and has .02 percent or more by weight of alcohol in his or her blood.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 208. To amend Section 32-5A-191 of the Code of Alabama 1975, as amended by Act No. 95-784, S. 338, 1995 Regular Session (Acts 1995, p. 1862), relating to driving under the influence of alcohol and drugs; to prohibit the operation of a motor vehicle by a school bus or day care driver who has greater than .02 percent by weight of alcohol in his or her blood; and to provide penalties.

S. 243. Relating to the suspension of driving privileges for certain alcohol related actions; specifying the suspension procedure and duration; specifying a hearing and appeal process; and specifying a prospective effective date.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 276. (With Substitute): To amend Section 32-6-49.13, Code of Alabama 1975, to require that a chemical test be administered if a law enforcement officer

has probable cause to believe that a commercial vehicle driver is operating a commercial motor vehicle while having alcohol or drugs in his or her system.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 129. Relating to general provisions under contracts; to provide that a party to a contract required to reimburse another party for certain federal manufacturer's taxes has an option to time those payments to precede immediately the other party's requirement to remit such taxes to the Internal Revenue Service; to provide for a right to security under contracts for payment of such taxes; and to provide for an effective date.

S. 139. To amend Section 40-17-174, Code of Alabama 1975, relating to oil license fees, to provide for a one-time collection of the wholesale oil license fee.

S. 300. Proposing an amendment to the Constitution of Alabama of 1901, to phase out existing supernumerary programs and provide that public officials may participate in the Employees' Retirement System of Alabama.

The above bill was read a second time at length as required by the Constitution.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 474. To amend Section 13A-12-211 of the Code of Alabama 1975, to provide that dispensing, prescribing, or administering a controlled substance for other than legitimate and professionally recognized therapeutic or scientific purposes constitutes unlawful distribution of a controlled substance; to provide for felony penalties and for an effective date.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 478. (With Amendment): To amend Section 13A-6-2 of the Code of Alabama 1975, relating to murder, to provide that a person commits murder when in the course of committing certain felony offenses the person or another person causes the death of a nonparticipant of the crime.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill

and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 164. Amending Section 30-5A-3, Code of Alabama 1975, relating to protection orders in certain instances regarding domestic violence; providing certain criminal penalties for violating such an order.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 718. (With Substitute): Providing for claims for unjust conviction and imprisonment.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

S. 119. (With Amendment): Relating to juvenile delinquency; to amend Code of Alabama 1975: Section 12-15-53, to provide that a child alleged to be delinquent for possessing a pistol, short-barreled rifle, or short-barreled shotgun shall be detained in custody until the required hearing; Section 12-15-61, to provide that, subject to conditions, a child alleged or adjudicated to be delinquent may be held in a jail for up to 60 days; and Section 12-15-71, to provide that, upon a child being adjudicated delinquent for possessing a pistol, short-barreled rifle, or short-barreled shotgun, the weapon is forfeited and the court shall order that it be destroyed.

S. 244. (With Amendment): To amend Sections 13A-9-70, 13A-9-71, 13A-9-72, and 13A-9-76, Code of Alabama 1975, relating to charitable fraud, to provide further for definitions; to provide for the registration of charitable organizations with the Attorney General and to require a registration fee and bond for certain organizations and persons; to provide for the filing by charitable organizations of an annual written financial report and the filing of all contracts between charitable organizations and professional fund raisers or commercial co-venturers; to designate the Secretary of State as agent for service of process for nonresident charitable organizations and professional fund raisers; to alter the criminal penalties for charitable fraud; to eliminate certain absolute defenses to criminal prosecution; and to clarify the civil remedies available to the Attorney General, the district attorneys, or an affected charitable organization through injunction, mandamus, or other appropriate civil remedy.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 267. To provide that the court may award joint custody to both parents if it is in the best interest of the child; to provide definitions; to provide considerations for the court in making a determination; to enumerate factors for consideration; to authorize the court to order the parents to submit a plan for consideration by the court; to provide access by both parents to certain records concerning the child; and to provide a prospective effective date.

S. 264. Relating to juvenile law enforcement; to amend Code of Alabama 1975: Section 12-15-100, to provide that juvenile court records may be copied by persons authorized to inspect them, by the principal of the school in which a child is enrolled, or a representative of the principal; Section 12-15-101, to provide that juvenile law enforcement records may be inspected by the principal of the school in which a child is enrolled, a representative of the principal, and the victim, or a representative of the victim, and to require the reporting of a child who has been adjudicated a serious juvenile offender or delinquent for conduct constituting a Class A or B felony if committed by an adult to the Alabama Criminal Justice Information Center; Section 12-15-102 to provide that law enforcement agencies, without prior permission, may obtain fingerprints, photographs, or DNA samples from a child alleged to be delinquent; Section 41-9-622, to provide that information concerning serious juvenile offenders may be used as information concerning adults is used; and Section 41-9-623, to provide that information concerning serious juvenile offenders must be provided to the Alabama Criminal Justice Information Center by law enforcement agencies.

H. 537. Relating to criminal procedure and a criminal conviction based upon a plea of nolo contendere; to provide that a criminal conviction based upon a plea of nolo contendere is admissible to the same extent as other criminal convictions; to provide that the plea is not admissible in civil proceedings to establish liability; and to provide for the unavailability of the plea in criminal proceedings.

H. 251. To amend Section 36-21-2 of the Code of Alabama 1975, to provide a subsistence allowance to the marshal and deputy marshals employed by the state appellate courts.

H. 711. To amend Sections 26-17-12 and 26-17-13 of the Code of Alabama 1975, relating to paternity actions; to allow conflicting genetic tests to be admitted into evidence; to allow bills for pregnancy, childbirth, and genetic tests to be admitted into evidence without third party foundation testimony; and to provide that the bills would be prima facie evidence of the expenses incurred for the services.

H. 701. To repeal Section 12-3-5 of the Code of Alabama 1975, requiring the judges of the Alabama Court of Criminal Appeals and the Alabama Court of Civil Appeals to reside in Montgomery during the terms of the courts.

S. 226. To amend Section 12-15-34 of the Code of Alabama 1975, relating to the transfer of cases from juvenile court to criminal court, to provide that a child

charged with certain serious offenses whose juvenile case is transferred to criminal court shall not be granted youthful offender status.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 463. (With Amendment): To amend Sections 12-15-34 and 12-15-34.1 of the Code of Alabama 1975, relating to the transfer of cases from juvenile court to criminal court; to provide that a child whose juvenile case is transferred to criminal court shall be tried as an adult for all lesser included offenses of the offense charged.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 146. To amend Section 14-9-42 of the Code of Alabama 1975; to allow deductions from sentences pursuant to Section 14-9-42 of the Code of Alabama 1975 for time served on parole; and to provide that this provision would apply to persons currently on parole for time served on parole.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 141. (With Amendment): To provide a civil remedy for the abatement of drug-related nuisances; to make legislative findings; to define certain terms; to set out adverse impacts of drug-related nuisances; to require notice to owners of property where drug-related nuisances occur; to provide jurisdiction in circuit courts; to provide standing to certain officials and private parties who may institute drug-related nuisance proceedings; to provide for hearings on preliminary injunctions; to provide for ex parte restraining orders, civil penalties, and protection of witnesses; to provide that a drug conviction not be required; to provide for security bonds and limitations thereof; to permit use of evidence of the general reputation of the property of the defendant to prove nuisance to authorize judgments and remedies; to define burden of proof required; to prohibit punitive damages; to set out factors which may be considered in determining existence of a drug nuisance; to provide for punishment for contempt and for violations of court orders; to provide for cancellation of court orders and circumstances therefor; to provide for award of costs and attorney fees for frivolous and bad faith proceedings brought by private parties; and to provide for severability.



Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 759. To provide for the offense of criminal use of pepper spray; and to provide penalties.

H. 801. To provide for the number of jurors from which criminal juries shall be selected based on the nature of the charge and the number of defendants; and to provide that Rule 18.4(f) of the Alabama Rules of Criminal Procedure is superseded.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 812. Relating to the recovery of damages for intentional infliction of emotional distress and mental anguish; prohibiting the recovery by bystanders, witnesses, or observers of a physical injury suffered by another; and providing that the act shall not be construed to grant or create a cause of action.

H. 815. Providing for civil actions involving product liability; to limit the causes of action against distributors, wholesalers, dealers, or retail sellers of products which are alleged to be defective; to proscribe the imposition of liability on defendants; to define what constitutes a defective and unreasonably dangerous product; and to provide for the subsequent effectiveness, under certain conditions, of any portion of the act that may be held to be unconstitutional prior to the ratification of an amendment to the Constitution of Alabama of 1901.

H. 813. To provide further for the selection of jurors; to amend Rule 47 of the Alabama Rules of Civil Procedure relating to the selection of jurors and alternate jurors.

H. 814. Relating to change or transfer of venue in civil actions; to amend Section 6-3-21.1, Code of Alabama 1975, to provide that the trial court may not give any greater weight to the choice of forum of the plaintiff than any other factor.

H. 825. To create the Noneconomic Damage Awards Act; to limit noneconomic damages in personal injury actions.

H. 817. To limit the awarding of punitive damages in personal injury actions; and to allow a bifurcated trial on the issue of whether a defendant is liable for punitive damages.

H. 824. To propose an amendment to the Constitution of Alabama of 1901, to authorize the Legislature to provide for the awarding of punitive damages,

including a bifurcated trial on the issue of whether a defendant is liable for punitive damages; and the imposition of limits on the award of punitive damages in personal injury actions.

The above bill was read a second time at length as required by the Constitution.

H. 816. Relating to civil actions for fraud; to amend Section 6-2-3, Code of Alabama 1975, relating to the statute of limitations for fraud, to provide that an action for fraud shall be brought within two years from the date the aggrieved party discovered, or in the exercise of reasonable diligence should have discovered the fraud; to amend Section 6-5-100, Code of Alabama 1975, relating to a right of action for fraud, to consolidate various actions for fraud into two causes of action to be known as "fraudulent misrepresentation" and "fraudulent suppression"; and to specifically repeal Sections 6-5-101 to 6-5-104, inclusive, Code of Alabama 1975.

H. 818. To amend Rule 68 of the Alabama Rules of Civil Procedure relating to offers of judgment; to provide further for award of attorney's fees and out-of-pocket expenses in the discretion of the trial court.

H. 819. Providing for mandatory mediation prior to trial under certain instances and imposing sanctions for failure to mediate.

H. 820. To amend Sections 6-6-1 and 8-1-41, Code of Alabama 1975, relating to arbitration, to make agreements to arbitrate future controversies enforceable.

H. 821. To amend Sections 27-8-16, 27-8-19, and 27-8-20, Code of Alabama 1975, relating to material or fraudulent misrepresentations, omissions, concealment of facts, and dishonest acts or omissions by an insurance agent who sells insurance; to provide further for the regulation of insurance agents who sell insurance, the revocation of the license of the agent or other penalties and remedial measures, and to provide for an exemption of liability for punitive damages for certain insurance companies or corporations that have documented remedial action to motivate the agent to cease or desist from unethical or inappropriate behavior.

H. 822. To amend Rule 51 of the Alabama Rules of Civil Procedure relating to instructions to the jury by the court, to require that a judge provide the jury with a written copy of all jury instructions to be included in the court's charge.

H. 823. Proposing an amendment to the Constitution of Alabama of 1901, to limit fees which plaintiff's attorneys may collect in personal injury, wrongful death, and other tort cases.

The above bill was read a second time at length as required by the Constitution.

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H. 377. To amend Act No. 95-280, 1995 Regular Session, now appearing as Section 9-15-82, Code of Alabama 1975, to exempt transfers of real property from the state, or certain kinds of agencies, institutions, and components thereof to municipalities and counties or to boards, authorities, or agencies thereof or to non-profit corporations controlled by directors who are municipal or county officers, or who are appointed by the governing bodies of municipalities or counties, by members of the State Legislature, the Governor, or other state officials, and to permit such transfers by agreement if approved by the Governor.

H. 696. To amend Section 40-12-240, Code of Alabama 1975, to exempt self-propelled wheelchairs from the definition of "motor vehicles" for licensing and registration purposes.

H. 741. To clarify the duty and responsibility of the Department of Human Resources to establish rules and standards for the inspection and approval of adult day care centers and adult day care homes with whom the Department of Human Resources contracts or otherwise agrees to purchase adult day care services.

H. 802. To amend Section 28-3A-25 of the Code of Alabama 1975, to provide further for certain unlawful acts and offenses under the Alcoholic Beverage Licensing Code.

Representative Gaines, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 805. Establishing a Business Helper Resource Office to provide information to a prospective business and to establish a hotline.

H. 830. To authorize the Department of Revenue to prescribe uniform sales and use tax business forms for the administration and collection of sales and use taxes by the State of Alabama and all county and municipal governing bodies.

H. 806. To create Alabama, Inc., a state-sponsored venture capital company; to provide that the financing necessary to issue the stock and the loans made by Alabama, Inc., to private businesses would be backed by the Heritage Trust Fund; to authorize Alabama, Inc., to issue stocks and bonds and invest the proceeds of the sales; to authorize Alabama, Inc., to invest equity in and make business loans to certain private businesses within the state in need of operating capital; to provide that the state shall not be liable to any investor in Alabama, Inc.; to provide that Alabama, Inc., shall carry insurance to protect against loss and the insurance premiums shall be paid by the state; and to provide for the management of Alabama, Inc., and the powers of the board of directors.

H. 807. To propose an amendment to the Constitution of Alabama of 1901, authorizing legislation to allow the full faith and credit of the Heritage Trust Fund to

finance the issuance of stocks and bonds in a state-sponsored venture capital company to enable the venture capital company to invest in and make loans to private businesses; and to allow the full faith and credit of the Heritage Trust Fund to guarantee the loans granted by a state-sponsored venture capital company.

The above bill was read a second time at length as required by the Constitution.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 765. (With Substitute): To amend Section 38-7-3, Code of Alabama 1975, to provide for notice to parents or guardians that a preschool program or religious nonprofit elementary school is not regulated by the Department of Human Resources.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 777. (With Amendment): Relating to organ and tissue donation for medical purposes; to further provide the procedure for the designation of organ donors on motor vehicle driver's licenses and nondriver identification cards; and to provide for emergency medical personnel to take reasonable steps to transmit organ donation information to hospitals and other health care facilities in the case of accidents and traumas.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 800. To add a new Section 22-21-265.2 to the Code of Alabama 1975, authorizing the State Health Planning and Development Agency to grant an exemption from certificate of need review for either the construction of a replacement of all or part of the beds of one or more nursing facilities or the transfer of nursing facility beds to another nursing facility in the same county, provided certain requirements are met.

H. 758. To provide that the Alabama Medicaid Agency seek a waiver for any person who purchases a long-term health care policy to cover at least the first five years of nursing home care; and to provide that the Alabama Medicaid Agency not consider those resources of a person equal to the amount of long-term care insurance benefit payments in determining Medicaid eligibility.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 583. To amend Section 41-16-21, Code of Alabama 1975, to exempt from competitive bidding all contracts that do not involve the expenditure of state funds and that are made for the selection of service contractors by or on behalf of public four-year colleges and universities of the state.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 74. (With Substitute) (With Amendment): To amend Section 16-60-191 of the Code of Alabama 1975, relating to state trade schools, to delete the reference to the training of students in the arts and sciences in the stated purpose for state trade schools.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 620. To amend Section 16-28-40, Code of Alabama 1975, to further condition the issuance of a driver's license to a person under the age of 19 who is enrolled in a school on the person making satisfactory academic progress and complying with the code of conduct of the school as certified by the principal of the school.

H. 769. To increase the local millage rates of ad valorem taxes; to provide for the withholding of state funds in certain cases; to provide that new ad valorem taxes be earmarked for local public school purposes; to provide that no existing tax rates of revenue shall be removed; to exempt certain penalty provisions in those school systems with exceptionally high levels of local support; to provide for an effective date; and to repeal conflicting provisions.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 785. To amend Section 16-3-1, Code of Alabama 1975, to make retroactive to the general election of 1986 the concurrent election of members of the State Board of Education.

H. 387. To amend Section 16-11-2 of the Code of Alabama 1975 providing for city boards of education, to increase the permissible number of members of a city board of education; to allow voters in cities with appointed city boards of education to determine by referendum whether the board of education will continue to be appointed by the governing body of the city or be elected by those qualified electors of the affected city without the necessity of a constitutional amendment; to specify that the referendum may be authorized by local law; to establish the time of election, term of office, districts, and other provisions relating to elected city boards of education; and to ratify and confirm existing laws relating to elective city boards of education.

H. 784. To amend Section 6-8-60 of the Code of Alabama 1975, to further provide for the qualifications of a newspaper to publish public notices and legal advertisements.

H. 90. To require individual voters to present certain identification at the polls as a prerequisite to being authorized to vote and to provide criminal penalties for violations.

H. 793. To amend Section 17-4-156, Code of Alabama 1975, to provide further for the working days of certain county boards of registrars.

H. 610. To amend Section 17-4-252 of the Code of Alabama 1975, to provide further for furnishing certain voter lists to members of the Legislature.

H. 783. To repeal Sections 41-20-1 to 41-20-12, inclusive, and 41-20-14 to 41-20-16, inclusive, Code of Alabama 1975, the Alabama Sunset Law of 1981, as amended.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 303. To amend Section 22-28-22, Code of Alabama 1975, relating to the Alabama Air Pollution Control Act, to prescribe fines for certain violations of the act.

H. 761. To amend Section 37-15-4, Code of Alabama 1975, to provide further for location of any proposed excavation or demolition and for exemptions to the notice requirements.

Representative Spratt, Chairperson of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 507. To amend Section 32-5-211, Code of Alabama 1975, relating to attaching a flag or light at the end of loads carried on vehicles, to authorize that an orange flag or an amber strobe light be attached to the end of a load which extends more than four feet beyond the rear of a vehicle.

Representative Spratt, Chairperson of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 755. (With Amendment): To amend Section 32-5A-171, Code of Alabama 1975, relating to maximum speed limits on highways; to provide for an increase of the maximum speed limit on certain highways.

Representative Spratt, Chairperson of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 756. To amend Section 32-6-1 of the Code of Alabama 1975, to extend the renewal time period for a driver's license without further examination from one year to three years.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 752. To propose an amendment to the Constitution of Alabama of 1901, relating to Marengo County, to place the judge of probate of the county on a salary basis and to provide that the fees of the judge of probate would be placed in the county treasury.

The above bill was read a second time at length as required by the Constitution.

H. 772. Relating to Henry County; authorizing the sheriff to operate a jail concession for county prisoners and state prisoners in county custody; and providing for the deposit, distribution, and auditing of monies earned.

H. 831. Proposing an amendment to the Constitution of Alabama of 1901, relating to Cherokee County, authorizing the Cherokee County Commission to levy an additional ad valorem tax for fire protection and rescue services; and to repeal Act 96-194, H. 230 of the 1996 Regular Session.

The above bill was read a second time at length as required by the Constitution.

Representative Turner, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 39. To provide that the city council or governing body of a Class 2 municipality shall meet not less than 48 times per year.

S. 40. Relating to the City of Prichard; providing that the Prichard City Council shall meet not less than 48 times per year.

H. 101. Relating to the Mobile County Commission; to provide for five commissioners elected from single-member districts effective with the election in November 1996; to provide for the boundaries of the five commission districts; to provide for the selection of the chair; to provide for the salary of the commissioners; to provide for a referendum election; and to repeal all conflicting law.

H. 614. To amend Section 43-2-42 of the Code of Alabama 1975, relating to appointment of the administrator of the estate of a person dying intestate; to provide further for the order of appointment of the general administrator in counties having an elected general administrator.

Representative Turnham, Chairperson of the Standing Committee on Local Legislation No. 8, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 767. Relating to Lee County; to establish a Motor Vehicle License System in the office of the Judge of Probate to process motor vehicle title and license applications, transfers, and renewals; to provide for assessment and collection of motor vehicle ad valorem taxes; to provide for authority to collect and remit license fees, taxes, and monies due to the State of Alabama and the county; to provide for the optional mail order processing of license renewals and issuance with accompanying mail fees; to provide for the collection of sales taxes on used motor vehicles sold by non-dealers; to provide for the requirement of proof of payment of any federal highway use taxes due before issuing licenses; to provide for transferring all of the duties, responsibilities, and enforcement of motor vehicle licensing, ad valorem tax assessment and collection, as well as enforcement otherwise under authority of the tax assessor, tax collector, and license inspector, to the judge of probate; providing an increase in salary for the judge of probate for assuming additional duties under this act; and to provide that the act shall become operative upon referendum approval.

Representative Hill, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:



H. 803. To amend Section 5-21-5 of the Code of Alabama 1975, relating to the linked deposits administered by the Office of the State Treasurer, to increase the business operations loans term of repayment.

H. 787. To amend Section 7-4-406 of the Code of Alabama 1975; to remove the requirement of financial institutions providing the name of the payee on the statement of account in which items are not returned within the statement of account.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 754. To propose an amendment to the Constitution of Alabama of 1901, relating to the establishment of districts for fire protection in Talladega County and providing for mandatory dues to support the districts.

The above bill was read a second time at length as required by the Constitution.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 501. Relating to Shelby County, and particularly School Tax District No. 2 in said County; approving an increase of the three mill district ad valorem school tax levied pursuant to Amendment No. 3 to the Constitution of Alabama of 1901, by ten mills to thirteen mills, all in accordance with Amendment No. 373 to said Alabama Constitution; such additional ten mill tax to be levied and collected in said District by the governing body of Shelby County for each year beginning with the levy for the tax year October 1, 1995 to September 30, 1996 (the tax for which year will be due and payable October 1, 1996) and ending with the levy for the tax year October 1, 2016 to September 30, 2017 (the tax for which year will be due and payable October 1, 2017) for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of School Tax District No. 2 in Shelby County at an election called and held in accordance with the applicable laws governing such elections.

Also:

H. 502. Relating to Shelby County, and particularly School Tax District No. 1 in said County; approving an increase of the three mill district ad valorem school tax levied pursuant to Amendment No. 3 to the Constitution of Alabama of 1901, by ten mills to thirteen mills, all in accordance with Amendment No. 373 to said Alabama Constitution; such additional ten mill tax to be levied and collected in said District by the governing body of Shelby County for each year beginning with the levy for the tax year October 1, 1995 to September 30, 1996 (the tax for which year will be due and payable October 1, 1996) and ending with the levy for the tax year October 1, 2016 to September 30, 2017 (the tax for which year will be due and payable October 1, 2017) for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of School Tax District No. 1 in Shelby County at an election called and held in accordance with the applicable laws governing such elections.

Also:

H. 566. Relating to Talladega County; providing for the assessment of additional costs and charges in all circuit and district court cases, excluding small claims division cases; and providing for the establishment of a Judicial Administration Fund in the county and the distribution of moneys in the fund.

Also:

H. 579. Relating to Etowah County; to amend Section 4 of Act No. 95-208, 1995 Regular Session, creating the Etowah County Community Development Committee, to remove limitations on the expenditure of sales tax proceeds received by the committee.

Also:

H. 580. Relating to Etowah County; to amend Sections 2 and 4 of Act No. 95-322, 1995 Regular Session, creating the Etowah County Library Committee; to provide that the committee may spend funds it receives from the local sales tax for professional services and capital expenditures.

Also:

H. 45. To provide that the city council or governing body of a Class 2 municipality shall meet not less than 48 times per year.

Also:

H. 137. Relating to the 17th Judicial Circuit composed of Greene, Marengo, and Sumter Counties; to provide a salary supplement for district and circuit judges.

Also:

H. 391. Relating to the Twenty-fourth Judicial Circuit; providing for the establishment of a Judicial Administration Fund in the circuit and for the distribution of moneys in the fund.

Also:

H. 464. Relating to Limestone County; abolishing the office of constable.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

### **SIGNING OF HOUSE BILLS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

### **REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 609. To propose an amendment to the Constitution of Alabama of 1901, relating to Calhoun County; providing for fire protection in the county; levying a special property tax for fire protection; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments; providing for expenditure and accounting of the funds; providing for the tax to end upon dissolution of the Calhoun County Volunteer Firefighters' Association; granting immunity from certain liability to the county; and providing for a referendum on this amendment.

Also:

H. 193. To propose an amendment to the Constitution of Alabama of 1901, to provide that the Legislature, by local act, may provide for the election of the members of the board of education in the City of Bessemer in Jefferson County and may provide further for the operation of the board.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

### **SIGNING OF HOUSE BILLS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

### **REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 294. To provide for a distinctive motor vehicle license tag or plate for members and supporters of fraternities and sororities; to prescribe the fees for the tags or plates; to provide for disposition of the net proceeds from the fees; to create the Alabama Fraternity/Sorority Scholarship Committee and Fund; and to provide for a delayed effective date.

TOMMY CARTER  
Chairman

And the bill, H. 294, as engrossed, was ordered sent to the Senate.

### **REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 505. To amend Section 11-43D-14, Code of Alabama 1975, to remove the management of the mayor of certain Class 5 municipalities of public utilities; to provide that a public utility board be formed under Article 9, Chapter 11 of the Code of Alabama 1975 dealing with consolidation of utility boards; to provide for

the board of directors of consolidated utility boards; and the dissolution of any utility boards formed under Chapter 97, Title 11 of the Code of Alabama 1975.

TOMMY CARTER  
Chairman

And the bill, H. 505, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 176. To amend Section 36-27-15.2 of the Code of Alabama 1975, to provide further for granting credit for certain prior service as a support employee in the Employees' and Teachers' Retirement Systems of Alabama.

TOMMY CARTER  
Chairman

And the bill, H. 176, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 518. To amend Sections 25-4-8, 25-4-10, 25-4-16, as amended by Act No. 95-311 of the 1995 Regular Session, 25-4-54, as amended by Acts 95-311 and 95-764 of the 1995 Regular Session, 25-4-92, and 25-4-152, Code of Alabama 1975, to provide further for the definition of employer, the definition of employment, the definition of wages, computation of the desired level of the unemployment compensation fund, appeals tribunals, and the voluntary deduction of federal income tax from unemployment compensation benefits.

TOMMY CARTER  
Chairman

And the bill, H. 518, as engrossed, was ordered sent to the Senate.

**INTRODUCTION OF BILLS**

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Newton (D):

H. 832. To amend subsection (f) of Amendment No. 386 to the Constitution of Alabama of 1901, providing for the operation of bingo in Jefferson County under certain conditions by nonprofit organizations for charitable and educational purposes, to provide that the amounts of prizes shall not exceed the amounts set by local law.

**COMMITTEE ON LOCAL LEGISLATION NO. 2**

The above bill was read a first time at length as required by the Constitution.

By Representative Graham (With Notice and Proof):

H. 833. Relating to the selection of the chair of the Tallapoosa County Commission and designating the office of the chair a full-time position; providing further for the compensation of the chair of the county commission; providing for the termination of expense allowances payable to the chair; and to repeal Act No. 88-157, H. 142 of the 1988 Regular Session (Acts 1988, p. 248).

**COMMITTEE ON LOCAL LEGISLATION NO. 1**

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 833, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Melton:

H. 834. To amend Sections 32-6-18 and 32-6-19 of the Code of Alabama 1975, relating to punishment for traffic violations; to impose an additional penalty of \$50 on any person found guilty of driving a motor vehicle with a revoked, suspended, or cancelled driver's license or without a driver's license; to provide that the additional penalty minus a five percent administrative charge be allocated to the Traffic Safety Trust Fund in the State Treasury; and to provide that the Traffic Safety Section of the Alabama Department of Economic and Community Affairs administer the proceeds.

**COMMITTEE ON HIGHWAY SAFETY**

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By Representative Newton (C) (With Notice and Proof):

H. 835. Relating to Crenshaw County; provides that this act shall be designated as "Crenshaw 1st," an act of Crenshaw countians helping Crenshaw countians; authorizing the Crenshaw County Commission to levy certain additional taxes; to provide for the collection, distribution and use of the proceeds of such taxes; to provide for the enforcement of this act by the State Department of Revenue; to prescribe penalties and fix punishment for violation of this act; and to provide that the authorization of the county governing body to levy the additional taxes authorized in this act must first be approved by a majority of the electors of Crenshaw County in a referendum.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 835, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Smith:

H. 836. To exempt the Alabama Eye Bank from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Rogers (J), McAdory, Houston, and Sanderson:

H. 837. To amend Sections 16-8-42 and 16-11-27, Code of Alabama 1975, to require local boards of education to fully insure all school buildings and property, equipment, furniture, and supplies through the State of Alabama Risk Management System.

COMMITTEE ON WAYS AND MEANS

By Representatives Maul and Thomas (J) (With Notice and Proof):

H. 838. Relating to Dallas County; authorizing the county commission to levy an additional sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; and prescribing penalties and fixing punishment for violation of this act.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 838, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Haney, Sanderford, Hinshaw, Papucci, Hall (L), Jorgensen, Drake, Carter, Payne, Townsend, Rogers (J), Perdue, Carns, Hawkins, Allen, Sanderson, Hall (A), Curry, Newton (D), Houston, McAdory, Petelos, Morton, Knight (A), Hill, Thomas (D), Dukes, McDaniel, and Hawk:

H. 839. To amend Section 40-9B-3 of the Code of Alabama 1975, relating to the Tax Incentive Reform Act of 1992; to expand the industrial or research enterprise categories to include refined petroleum pipelines which may qualify for tax abatements.

COMMITTEE ON INDUSTRIAL DEVELOPMENT  
AND ECONOMIC GROWTH

By Representative Dukes:

H. 840. To authorize the governing body of any Class 5 municipality to establish jointly a parking and transit authority as a public corporation for the purpose of financing, acquiring, constructing, leasing, enlarging, equipping, improving, maintaining, developing, and operating facilities for parking motor vehicles and related facilities, and financing, acquiring, constructing, leasing, enlarging, equipping, improving, maintaining, developing, and operating a public transit or transportation system and related facilities, including offices for the authority; to authorize the leasing or letting of facilities; to authorize the authority to issue bonds of indebtedness; to provide that the bonds shall be negotiable instruments; to authorize the authority to enter into contracts and to acquire and dispose of properties; to provide that the authority shall have powers, privileges, and rights necessary to carry out the purposes hereof; and to provide for the dissolution of the authority and the disposition of its property.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Dukes:

H. 841. Providing for distinctive motor vehicle license tags or plates for supporters of the American Legion; prescribing the fees for the tags or plates; providing for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Gaines:

H. 842. To amend Section 40-2A-7, Code of Alabama 1975, to prohibit class action suits regarding taxes and to make the remedies contained in Chapter 2A of Title 40 exclusive.

COMMITTEE ON BUSINESS AND LABOR



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By Representatives Gaines, Newton (D), Hooper, Sanderson, Johnson (E), and Houston:

H. 843. To amend Section 41-23-21 of the Code of Alabama 1975; to provide for definitions used in the "Alabama Enterprise Zone Act"; to provide for distressed companies to collect job development fees from certain employees; to provide for disposition of the proceeds from the fees; and to provide for certain agreements between municipalities in which facilities of distressed companies are located and the companies relating to disposition of the proceeds from the fees.

COMMITTEE ON BUSINESS AND LABOR

By Representatives Gaines and Sanderson (With Notice and Proof):

H. 844. To further amend Act No. 556 of the Regular Session of the Legislature of Alabama of 1959, approved November 19, 1959 (Ala. Acts 1959, p. 1376, et seq.), as heretofore amended, which Act No. 556 established a supplemental pension and relief or retirement system for firemen and policemen who are members of any pension and relief system established under Act No. 929 of the Regular Session of the Legislature of Alabama of 1951 (Ala. Acts 1951, p. 1576, et seq.); and to provide an increase in the contributions to the system and to again allow fire fighters and police officers to elect to receive a supplemental retirement allowance after 20 years of credited service.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 844, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Burke, Lindsey, and Black (M):

H. 845. To amend Section 40-23-1, Code of Alabama 1975, to provide further for transactions defined as sales for state sales tax purposes.

COMMITTEE ON HEALTH

By Representative Knight (J):

H. 846. To create Alabama, Inc., a state-sponsored venture capital company; to provide that the financing necessary to issue the stock and the loans made by Alabama, Inc., to private businesses would be backed by the Heritage Trust Fund; to authorize Alabama, Inc., to issue stocks and bonds and invest the proceeds of the sales; to authorize Alabama, Inc., to invest equity in and make business loans to certain private businesses within the state in need of operating capital; to provide that the state shall not be liable to any investor in Alabama, Inc.;

to provide that Alabama, Inc., shall carry insurance to protect against loss and the insurance premiums shall be paid by the state; and to provide for the management of Alabama, Inc., and the powers of the board of directors.

## COMMITTEE ON BUSINESS AND LABOR

By Representative Knight (J):

H. 847. To propose an amendment to the Constitution of Alabama of 1901, authorizing legislation to allow the full faith and credit of the Heritage Trust Fund to finance the issuance of stocks and bonds in a state-sponsored venture capital company to enable the venture capital company to invest in and make loans to private businesses; and to allow the full faith and credit of the Heritage Trust Fund to guarantee the loans granted by a state-sponsored venture capital company.

## COMMITTEE ON BUSINESS AND LABOR

The above bill was read a first time at length as required by the Constitution.

By Representative Reed:

H. 848. To reopen the Employees' Retirement System for a certain time to allow an active and contributing member to purchase prior service credit in the system for prior service rendered to the Auburn University Cooperative Extension Service.

## COMMITTEE ON WAYS AND MEANS

By Representative Wren:

H. 849. To make a conditional appropriation from the General Fund in the State Treasury to the Alabama Department of Economic and Community Affairs, in the amount of two million dollars for the fiscal year ending September 30, 1997, for promoting small businesses in the state.

## COMMITTEE ON WAYS AND MEANS

By Representatives Haney, Curry, Papucci, Hinshaw, Payne, Carns, Townsend, McAdory, Houston, Burke, Melton, Hilliard, Spratt, and Petelos:

H. 850. To amend Sections 2 and 9 of Act No. 95-314, 1995 Regular Session, now appearing as Sections 16-13-231 and 16-13-238, Code of Alabama 1975, relating to the local funding of public schools; to provide graduated increases for the minimum amount of local funding; and to provide further for reductions of program fund allocations.

## COMMITTEE ON WAYS AND MEANS

**RESOLUTION**

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Hall (L):

H.R. 335. COMMENDING OAKWOOD COLLEGE ON ITS 100TH ANNIVERSARY.

**BILLS ON THIRD READING**

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Thomas (J), the Budget Isolation Resolution relating to the bill, H. 650, was adopted.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Buskey, Carothers, Carter, Clark (W), Collins, Curry, Drake, Gaines, Gaston, Gipson, Guin, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, McAdory, McClammy, McMillan, Mitchell, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Pringle, Rogers (J), Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (J), Vance, Venable, Warren and Willis.

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And the bill:

H. 650. To alter or rearrange the boundary lines of the Town of Fort Deposit, Lowndes County, Alabama, so as to include within the corporate limits of the said Town of Fort Deposit all territory now within such corporate limits and also certain other territory contiguous thereto, in Lowndes County, Alabama.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Buskey, Carothers, Carter, Clark (W), Collins, Curry, Drake, Flowers, Gaines, Gipson, Guin, Hall (A),

Hall (L), Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Pringle, Robinson, Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turnham, Vance, Venable, Warren and Willis.

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### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Baker, the Budget Isolation Resolution relating to the bill, H. 703, was adopted.

Yeas 44; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Carter, Clark (W), Collins, Curry, Dean, Dolbare, Drake, Flowers, Gaines, Galliher, Gipson, Guin, Hall (L), Hamilton, Hayden, Hill, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Knight (A), Knight (J), Lindsey, McClammy, Mitchell, Murphree, Newton (C), Newton (D), Rogers (M), Sims, Spratt, Starkey, Turnham, Vance, Venable, Warren and Willis.

-44

### **PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 703. (With Substitute): Relating to Henry County; providing for an additional transaction fee on mobile homes; providing for an additional transaction fee on certain property when it is assessed for ad valorem taxes; and providing for disposition of funds from the additional fees.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1 to the bill, H. 703, said committee substitute being as follows:

REGULAR SESSION  
16th Day

1601

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Henry County; providing for an additional transaction fee on mobile homes; providing for an additional transaction fee on certain property when it is assessed for ad valorem taxes; providing for disposition of funds from the additional fees; and providing for a referendum.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In addition to all other fees and costs provided by law, a special transaction fee of two dollars (\$2) shall be paid to the Henry County Revenue Commissioner per transaction relating to mobile homes.

Section 2. In addition to all other fees and costs provided by law, a special transaction fee of two dollars (\$2) shall be paid to the Henry County Revenue Commissioner per each real property owner's tax assessment annual receipt, with the assessment to be collected by the Henry County Revenue Commissioner when the ad valorem taxes are collected.

Section 3. Those persons exempted from paying ad valorem taxes are also exempted from the special transaction fee levied pursuant to Section 2.

Section 4. The special additional transaction fees levied in Sections 1 and 2 shall be collected by the Henry County Revenue Commissioner and deposited in the county general fund for appropriation for general county purposes.

Section 5. This act shall be inoperative and void unless it is approved by a majority of the qualified electors of the county who vote thereon at the next general, primary, or special election in the county. The election shall be held and conducted as are elections on constitutional amendments on a date determined by the county commission. Notice of the election shall be given by the judge of probate and shall be published once a week for three successive weeks before the day of the election. On the ballots used at the election, the proposition to be voted on shall be stated substantially as follows:

"Do you favor the local law providing for an additional transaction fee on mobile homes and providing for an additional transaction fee on certain property assessed for ad valorem taxes to be collected by the Henry County Revenue Commission to be appropriated for general county purposes? Yes \_\_\_ No \_\_\_."

If a majority of the votes cast at the election are affirmative votes, this act shall have full force and effect on the first day of the second month following the election. If a majority of the votes cast are negative votes, this act shall have no further effect. The judge of probate shall certify the results of the election to the Secretary of State.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 48; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dolbare, Drake, Flowers, Gaines, Gipson, Guin, Hayden, Hill, Hogan, Holmes, Houston, Jackson, Johnson (R), Kennedy, Knight (A), Knight (J), Lindsey, McClammy, Minnifield, Moore, Morton, Murphree, Newton (C), Newton (D), Perdue, Petelos, Rogers (M), Seibenhener, Sims, Spratt, Starkey, Turnham, Vance, Venable, Warren and Willis.

-48

### **PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 703. Relating to Henry County; providing for an additional transaction fee on mobile homes; providing for an additional transaction fee on certain property when it is assessed for ad valorem taxes; providing for disposition of funds from the additional fees; and providing for a referendum.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 44; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Carothers, Carter, Clark (W), Clouse, Collins, Dolbare, Drake, Flowers, Gaines, Gipson, Guin,

**REGULAR SESSION  
16th Day**

1603

Hall (L), Hayden, Hill, Hogan, Hooper, Houston, Johnson (R), Kennedy, Knight (A), Lindsey, McClammy, Minnifield, Moore, Murphree, Newton (D), Perdue, Petelos, Pringle, Rogers (M), Seibenhener, Sims, Spratt, Starkey, Turnham, Vance, Venable, Warren and Willis.

-44

**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Baker, the Budget Isolation Resolution relating to the bill, H. 704, was adopted.

Yeas 44; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Carothers, Clark (W), Clouse, Collins, Curry, Drake, Flowers, Gaines, Gipson, Guin, Hall (L), Hamilton, Hammett, Hayden, Hill, Hogan, Hooper, Houston, Jackson, Johnson (R), Knight (A), Lindsey, McAdory, McClammy, Moore, Murphree, Newton (C), Newton (D), Penry, Petelos, Rogers (M), Seibenhener, Sims, Spratt, Starkey, Turnham, Vance, Venable, Warren and Willis.

-44

**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 704. (With Substitute): Relating to Henry County; providing for an additional special transaction fee on public business filed and transacted in the office of the judge of probate; and providing for the disposition of funds from the additional fees.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1 to the bill, H. 704, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Henry County; providing for an additional special transaction fee on public business filed and transacted in the office of the judge of probate; providing for the disposition of funds from the additional fees; and providing for a referendum.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In addition to all other fees and costs provided by law, a special transaction fee in the amount of two dollars (\$2), shall be paid to the Henry County Judge of Probate when any public business other than the recording of instruments with respect to real and personal property filed for record and the recording of all other instruments and documents filed for record is transacted in his or her office. The special additional transaction fees shall be collected by the judge of probate and deposited in the county general fund for appropriation for maintaining, preserving, and upgrading the records and recording equipment of the probate office.

Section 2. This act shall be inoperative and void unless it is approved by a majority of the qualified electors of the county who vote thereon at the next general, primary, or special election in the county. The election shall be held and conducted as are elections on constitutional amendments on a date determined by the county commission. Notice of the election shall be given by the judge of probate and shall be published once a week for three successive weeks before the day of the election. On the ballots used at the election, the proposition to be voted on shall be stated substantially as follows:

"Do you favor the local law providing for an additional transaction fee on public business other than the recording of instruments with respect to real and personal property filed and transacted in the office of the judge of probate to maintain, preserve, and upgrade the records and recording equipment of the probate office? Yes \_\_\_ No \_\_\_."

If a majority of the votes cast at the election are affirmative votes, this act shall have full force and effect on the first day of the second month following the election. If a majority of the votes cast are negative votes, this act shall have no further effect. The judge of probate shall certify the results of the election to the Secretary of State.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.



**SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 44; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dolbare, Drake, Flowers, Gaines, Gipson, Guin, Hamilton, Hayden, Hill, Hogan, Houston, Jackson, Johnson (R), Knight (A), Lindsey, McAdory, McClammy, Moore, Murphree, Newton (C), Penry, Petelos, Rogers (M), Seibenhener, Sims, Spratt, Starkey, Turnham, Vance, Venable, Warren and Willis.

-44

**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 704. Relating to Henry County; providing for an additional special transaction fee on public business filed and transacted in the office of the judge of probate; providing for the disposition of funds from the additional fees; and providing for a referendum.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 47; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dolbare, Drake, Gaines, Gipson, Guin, Hall (L), Hamilton, Hayden, Hill, Hogan, Houston, Jackson, Johnson (R), Kennedy, Knight (A), Laird, Lindsey, McAdory, McClammy, McDaniel, Moore, Murphree, Newton (C), Newton (D), Petelos, Pringle, Rogers (M), Seibenhener, Sims, Spratt, Starkey, Turnham, Vance, Venable, Warren and Willis.

-47

**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Baker, the Budget Isolation Resolution relating to the bill, H. 705, was adopted.

Yeas 48; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dolbare, Drake, Flowers, Gaines, Gipson, Guin, Hall (L), Hamilton, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Knight (A), Laird, Lindsey, McClammy, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Petelos, Rogers (M), Seibenhener, Sims, Spratt, Starkey, Turnham, Vance, Venable, Warren, Willis and Wren.

-48

**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 705. (With Substitute): Relating to Henry County; providing for an additional special transaction fee for real property and personal property documents filed and transacted in the office of the judge of probate; and providing for the disposition of funds from the additional fees.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1 to the bill, H. 705, said committee substitute being as follows:

REGULAR SESSION  
16th Day

1607

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Henry County; providing for an additional special transaction fee for real property and personal property documents filed and transacted in the office of the judge of probate; providing for the disposition of funds from the additional fees; and providing for a referendum.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In addition to all other fees and costs provided by law, a special transaction fee in the amount of four dollars (\$4), shall be paid to the Henry County Judge of Probate with respect to each real property instrument and each personal property instrument and when any other instrument or document that may be filed for record in the office of the judge of probate. The recording fee of four dollars (\$4) shall be in addition to all other fees, taxes, and other charges required by law to be paid upon the filing for record of the instruments and documents described in this act. The special additional transaction fees shall be collected by the judge of probate and deposited in the county general fund for appropriation for maintaining, preserving, and upgrading the records and recording equipment of the probate office.

Section 2. This act shall be inoperative and void unless it is approved by a majority of the qualified electors of the county who vote thereon at the next general, primary, or special election in the county. The election shall be held and conducted as are elections on constitutional amendments on a date determined by the county commission. Notice of the election shall be given by the judge of probate and shall be published once a week for three successive weeks before the day of the election. On the ballots used at the election, the proposition to be voted on shall be stated substantially as follows:

"Do you favor the local law providing for an additional special transaction fee for real and personal property documents filed and transacted in the office of judge of probate to maintain, preserve, and upgrade the records and recording equipment of the probate office? Yes \_\_\_ No \_\_\_."

If a majority of the votes cast at the election are affirmative votes, this act shall have full force and effect on the first day of the second month following the election. If a majority of the votes cast are negative votes, this act shall have no further effect. The judge of probate shall certify the results of the election to the Secretary of State.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

**SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dolbare, Drake, Flowers, Gaines, Gipson, Guin, Hall (L), Hamilton, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Kennedy, Knight (A), Laird, Lindsey, McClammy, McDaniel, Moore, Morton, Murphree, Newton (D), Papucci, Petelos, Rogers (M), Sanderford, Seibenhener, Sims, Spratt, Starkey, Turnham, Vance, Venable, Warren and Willis.

-51

**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 705. Relating to Henry County; providing for an additional special transaction fee for real property and personal property documents filed and transacted in the office of the judge of probate; providing for the disposition of funds from the additional fees; and providing for a referendum.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 43; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Carothers, Carter, Clouse, Collins, Curry, Gaines, Galliher, Gipson, Guin, Hall (L), Hamilton, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Knight (A), Lindsey, McAdory, McClammy, McDaniel, Moore, Morton, Murphree, Newton (D), Papucci, Petelos, Rogers (M), Seibenhener, Sims, Spratt, Turnham, Vance, Warren and Willis.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Rogers (M), the Budget Isolation Resolution relating to the bill, H. 714, was adopted.

Yeas 49; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Dean, Flowers, Gaines, Galliher, Gaston, Gipson, Guin, Hamilton, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Jackson, Jorgensen, Knight (A), Lindsey, Maull, McClammy, Moore, Morrison, Morton, Murphree, Payne, Petelos, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Townsend, Turnham, Vance, Venable and Willis.

-49

**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 714. (With Substitute): Relating to Calhoun County; to provide for a civil service system governing the appointment, separation, employment, compensation, tenure, and official conduct of employees of the county; define violations of the act and impose penalties for violations; and to repeal Act No. 384, 1969 Regular Session, and Act No. 274, 1975 Regular Session.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1 to the bill, H. 714, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Calhoun County; to provide for a civil service system governing the appointment, separation, employment, compensation, tenure, and official conduct of employees of the county; define violations of the act and impose penalties for violations; and to repeal Act No. 384, 1969 Regular Session, and Act No. 274, 1975 Regular Session.

## BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The selection and employment of all individuals in the service of Calhoun County, Alabama, except for those exempted in Section 2 of this act, shall be subject to the provisions of the Calhoun County Civil Service System as established herein and the rules and regulations established by the Calhoun County Civil Service Board as required to implement the intent of the act. This act and the county civil service system it creates shall specifically apply to employment in the offices and activities of the tax assessor, tax collector, judge of probate, sheriff, county commission, commissioner of licenses, county engineer, and other departments of the county whose employees are paid from county controlled funds, regardless of the source of such funds, but it shall not apply to those employees exempted in Section 2 of this act. All employees who are covered by this act shall be selected and hold their positions pursuant to this act and the board's implementing rules and regulations. Any current employee of Calhoun County who is subject to the provisions of this act and who has satisfactorily completed a probationary period previously required by the county civil service system in effect at the time that this act becomes law and has been determined by the board to have standing under such civil service system shall be considered to be a regular status classified service employee under this act and shall not be required to stand an examination in order to retain his or her position and shall remain in his or her employment so long as he or she continues to meet the conditions of employment established by this act and the board's implementing rules and regulations. Those individuals who are still serving a probationary period under previous civil service system requirements must complete the probationary period required by this act before they may be designated regular status classified service employees.

Section 2. The employment of the following individuals is exempted from the provisions of this act: (a) elective officers; (b) members of appointive boards, commissions, and committees; (c) persons engaged in the profession of teaching or in supervising teaching in the public schools; (d) attorneys, physicians, surgeons, dentists, and similar individuals performing duties for the county in a professional capacity; (e) the judge of any court; (f) independent contractors under contract with the county; (g) any person whose employment is subject to the approval of the United States Government, or any agency thereof; (h) the county engineer and any assistant county engineer; (i) any individual who is not paid exclusively by Calhoun County; (j) mappers and appraisers assigned to the tax

assessor's office; (k) county electrician/maintenance superintendent; (l) county administrator/treasurer; (m) cooks and kitchen help; (n) common laborers who are employed less than 180 days; (o) clerical aides who are employed less than 180 days; (p) interns employed for less than one year; and (q) any employee associated with the operators at the Calhoun County Land Fill and Transfer Station.

**Section 3.** As used in this act, the following words shall have the following meanings:

**(1) APPOINTING AUTHORITY.** The judge of probate, the license commissioner, the tax assessor, the tax collector, the sheriff, the county commission, the county engineer, the county administrator, or other individuals as designated by law, who is responsible for the selection and supervision of individuals employed in his or her department.

**(2) BOARD or CIVIL SERVICE BOARD.** The Civil Service Board of Calhoun County.

**(3) CLASSIFIED SERVICE.** That category of service to the county in which the incumbent employees are approved to work on an on-going basis in an authorized job or position at least thirty-two hours in their established workweek.

**(4) COUNTY.** Calhoun County, Alabama.

**(5) COUNTY COMMISSION.** The County Commission of Calhoun County or any other body established by law in its stead.

**(6) ELIGIBILITY LIST.** A listing prepared by the board that contains the names of those applicants who have been determined by the board to have completed prescribed qualification tests and possess the required prerequisites necessary for appointment to a position in the classified service.

**(7) EMPLOYEE.** Any person employed by Calhoun County in any capacity who has not been exempted from the county civil service system by Section 2.

**(8) JOB or POSITION.** Any job or position that has been duly funded by the Calhoun County Commission, and classified by the Calhoun County Civil Service Board.

**(9) PART-TIME SERVICE.** That category of service to the county in which the incumbent employees are approved to work on an on-going basis in an authorized job or position less than thirty-two hours in their established workweek.

**(10) PERFORMANCE RATING.** A documented employee evaluation conducted by the appointing authority or his or her designee and noted on an evaluation conducted by the appointing authority or his or her designee and noted on an evaluation form approved by the board.

(11) PROBATIONARY STATUS. That condition of employment that an individual employed in classified service is afforded until he or she satisfactorily completes the probationary period established herein, but in no event shall this probationary period exceed six months continuous employment. Additionally, throughout this probationary status period, the appointing authority may terminate a probationary employee at his or her discretion regardless of whether a performance rating has been performed.

(12) REEMPLOYMENT LIST. That list of names of individuals who were designated as regular status employees in the classified service and have been laid off in the past two years or who have resigned in good standing.

(13) REGULAR STATUS. That condition of employment that an individual employed in the classified service is afforded by the board upon satisfactorily completion of the established probationary period.

(14) TEMPORARY SERVICE. That category of service to the county in which the individuals are employed to work in a job or position that has been approved for a limited period of time that shall not exceed 180 consecutive calendar days.

(15) WORKWEEK. A period of seven consecutive days that has been established in the same manner as required by the Fair Labor Standards Act.

Section 4. The employment of all employees, except those exempted in Section 2, of Calhoun County, who are covered by this act shall be subject to the provisions of this act and the civil service rules and regulations developed, promulgated, and administered by the Calhoun County Civil Service Board pursuant to this act. The appointment and employment shall be upon a non-partisan merit basis and without regard to race, color, national origin, disability, age, sex, or religion. The county commission shall be responsible for authorizing funding for those positions, regardless of service category, as determined to be necessary and within the financial resources of the county. At the beginning of each fiscal year the commission will furnish a list, by service category and department, of the positions that have been funded for the fiscal year to the board. If additional positions are required during the fiscal year, the appropriate appointing authority shall submit his written request and justification to the commission for funding approval. Upon approval, the commission will furnish the board with written notification that the additional positions have been funded. The board shall be responsible for assigning the position to its proper classification. The establishment of compensation will, in every case, conform to the approved classification plan, pay plan, and guidelines established by the board, in its implementing rules and regulations. Except in connection with an action associated with a reduction in force, demotion, suspension, discharge, or removal as herein provided for, no employees' regular compensation may be reduced unless the action is a part of a general across-the-board decrease in the compensation of all employees in the county. The board shall not knowingly test, or appoint, any person who has been convicted of a felony or an offense involving



moral turpitude. In the event a county-wide reduction in force becomes necessary for economic reasons or a job or position is determined by the appointing authority to be no longer needed or required in his or her department, any employee may be laid off from the county service by the appointing authority with approval of the civil service board and county commission. The order of layoff for regular status classified service employees assigned to a particular job or position shall be inverse to the order of their appointment to the job or position, but only after all temporary service, part-time service, and probationary status individuals have first been separated from the position. All individuals who are employed now, or hereafter, by the county and are covered by this act shall remain in their respective employment so long as their conduct and performance meet appointing authority requirements and standards established by this act and the board's implementing rules and regulations so long as the job remains a validly authorized position.

Section 5. All employees and positions covered by this act shall be assigned by the board, in coordination with the county commission and the responsible appointing authority, to one of the following categories of service: (a) classified service, (b) part-time service, or (c) temporary service. Assignments shall be made in accordance with the definitions established in Section 3.

Section 6. There is created the Civil Service Board of Calhoun County, composed of five members each of whom shall be over 25 years of age, of recognized character and ability, and an actual resident in and a qualified elector of the county. No person shall be eligible to be, or continue to be, a member of the board who holds any elected or appointed office of profit under the state, county, or city; or who presently serves as an employee of Calhoun County. The members of the Civil Service Board of Calhoun County currently serving on the effective date of this act shall complete their terms. Each vacancy occurring thereafter will be filled for a term of four years by the appointment of an individual selected by the majority vote of the members of the Alabama Legislature representing Calhoun County at the time the vacancy occurs. Any member of the board who is appointed or elected to another public office of profit shall resign as a member of the board. If a member does not complete the term of his or her appointment, the individual selected to replace him or her will be appointed for the remainder of the term. Any member of the board desiring to become a candidate for public office shall first resign as a member of the board and in the event he or she fails to resign and becomes a candidate for public office, then his or her office on the board shall become immediately vacant. It shall be the duty of the clerk of the board to inform the legislative delegation when a vacancy occurs on the board. Any member of the board may be eligible for reappointment so long as he or she is qualified to serve, but in no event shall a member be eligible for appointment to more than two full terms. Any member of the board may be terminated by the majority vote of the Legislative Delegation of Calhoun County when they deem the action is necessary to maintain the efficiency and credibility of the board. The board shall elect a chairperson and a vice chairperson from among its members who shall hold office as such officers at the pleasure of the board. The chairperson shall preside at all regular and special meetings of the board, and

shall have responsibility for the preparation of an agenda for all board meetings and day to day supervision of board business. The vice chairperson shall serve in the absence of the chairperson. Three members of the board shall constitute a quorum for the conducting of board business. The board shall hold regular meetings for the transaction of board business at least quarterly on a day and at a time to be fixed by the board's rules and regulations. The board may hold special, adjourned, or called meetings at any time upon call of the chairperson or request of the county commission or an appointing authority. All meetings of the board shall be held at the office of the board, unless otherwise provided by the board. The board shall keep minutes of its meetings and records of all business transacted by it at each and every meeting. The clerk of the board shall act as the custodian of the board records and will furnish such assistance as may be required by the board. All minutes and records of the board shall be open for inspection by any individual at any reasonable time upon written request to the clerk of the board. The county commission shall provide in its annual budget an appropriation based upon a recommended budget submitted by the board in accordance with budget guidelines provided by the county commission. The board's annual budget shall include funds to cover the expense allowances provided board members and the reasonable and necessary expenses for operation of the board.

Section 7. Every person who shall be appointed a member of the Civil Service Board of Calhoun County shall within 15 days thereafter qualify by making oath that they are eligible for the office and will execute the duties of the office to the best of their knowledge and ability. The oath shall be administered by any person authorized to administer oaths, reduced to writing, and a copy filed in the office of the judge of probate.

Section 8. The board shall make such rules and regulations as necessary to carry out the purposes of this act. The rules and regulations shall include, but not be limited to, provisions for: (1) classifying the different types of service to be performed in the service of the county; (2) allocating covered positions to their proper class; (3) prescribing job related qualifications for covered positions; (4) approving, in coordination with the county commission, any across-the-board increases or decreases; (5) assigning approved positions to the proper category of service; (6) announcing vacancies, establishing and conducting examinations, creating eligibility lists, and approving or authorizing initial appointments; (7) disciplining employees, to include dismissals, suspensions, demotions, and other actions; (8) hearing employee grievances; (9) separating individuals from county service and granting leaves of absence; and (10) establishing equitable pay levels for the different classifications established in the county subject to approval of the county commission. The board may, from time to time, make changes in such rules and regulations as it deems necessary to ensure effective administration of the civil service system. The board may appoint a clerk of the board who shall assist the board in the administration of the county civil service system and, upon authorization of the county commission, other clerical assistants as necessary to assist the clerk. The clerk of the board and other clerical assistants shall be assigned to the classified service and shall be subject to the same selection

process and conditions of employment as other classified service employees. The board shall have reasonable access to all files, records, and data available in each activity of the county as necessary to properly perform the duties and responsibilities required by the act. Upon written request by the board to the appropriate official, the official shall furnish all records which the board desires to examine. The board shall also have the authority to select and engage legal counsel of its choice who shall be paid from funds established in the board's annual budget.

Section 9. Each member of the board, except the chairperson, shall receive an expense allowance of at least one hundred and seventy-five dollars (\$175) per month. The chairperson shall receive an expense allowance of at least two hundred and twenty-five dollars (\$225) per month. The expense allowances shall be for normal expenses incurred in the day-to-day activities of the board and shall be in lieu of any other compensation and allowances, except for reimbursement of unusual board related expenses that are approved in advance by the board to be paid from the board's budget in accordance with procedures to be established by the board. These amounts may be increased by the county commission when required to meet incurred expenses as justified in writing by the board.

Section 10. All individuals seeking employment in positions that are covered by this act shall file their applications with the Civil Service Board of Calhoun County in accordance with guidelines to be established by the board. All applications shall be on forms furnished by the board, and all applicants for positions assigned to the classified and part-time services, except for those considered by the board to be unskilled or otherwise unsuitable for examination, shall be subject to examinations. Applicants for positions assigned to the temporary service shall not be required to undergo examinations or otherwise be tested for the position they seek unless determined by the board and appointing authority to be necessary. All examinations shall be public, competitive, and open to all individuals who meet the eligibility requirements established by the board. All examinations shall be practical in their character and relate to those matters as determined by the board, in coordination with the appropriate appointing authority, to fairly test the relative ability of an individual to discharge satisfactorily the duties of the position he or she seeks. The board shall conduct all examinations, or arrange for the examination to be conducted by an appropriate person or persons, and determine the time and location of the examinations. The board shall rank each qualified applicant on the appropriate eligibility list based upon the applicants examination results and his or her demonstrated ability to satisfactorily discharge the duties of the position he or she seeks. When an appointing authority has a vacancy in a job or position that is covered by this act, he or she shall notify the board and request names be forwarded to him or her for his or her consideration in filling the vacancy. If the vacancy is in a classified service job or position, the board shall forward the names of the top applicants from the eligibility list for the position to the appointing authority in accordance with guidelines to be established by the board. The board may, at its discretion, provide in its implementing rules and regulations for the reassignment, to include promotion, transfer, or voluntary demotion, of a qualified regular status classified employee before consideration

shall be given to the employment of an individual from an eligibility list. If the vacancy is in a job or position assigned to the temporary or part-time service, it shall be filled in accordance with guidelines as established by the board in its implementing rules and regulations.

Section 11. All employees shall maintain an above marginal performance rating to be able to retain employment with the county. No county employee under the Civil Service System, but not to include probationary status employees, shall be dismissed from service for unacceptable performance prior to their being given an official performance rating of less than fully acceptable; an explanation as to how they can improve their performance; and and at least a two-week period to allow the employee a chance to improve. This time period to allow the employee to improve may be longer depending on the situation and shall be left to the discretion of the appointing authority. But in no event shall this probationary improvement period exceed 45 days. Notwithstanding the foregoing, in all cases the employee shall be told the amount of time he or she has to improve at the time of the rating. Nothing in this section should be construed to preclude the termination of an employee by the appointing authority for either insubordination or unacceptable behavior.

This section shall be construed to allow employees to be aware of their current performance rating and to enable and encourage employees to better their performance; department heads shall insure that all employees are provided performance evaluations on a periodic basis. These evaluations shall be documented on "performance rating" forms furnished by the civil service board and shall be filed in the employee's personnel file. These performance ratings shall be provided by the first level of supervision and shall be reviewed by the second level of supervision; also the rating shall be discussed with the employee by the supervisor. In this discussion, the employee shall be told such things as the results of the current rating, what the rating means to their continued employment as well as their chances of promotion, and how they could improve their performance. After this discussion, the employee shall be given a chance to make written comments on the valuation form then sign and date the form. The signature of the employee denotes that the rating was discussed with them and does not denote that they agree with the rating. Performance ratings are to be used as a management tool by the supervisor and may be given at the discretion of the supervisor but shall be given at a minimum as follows:

(1) Probationary Employees: This is a critical time for the employer and frequent discussions should be held so that the employee is well aware of their performance as related to management expectations. This becomes more critical for those employees who are not performing at an acceptable level. The frequency of performance ratings for these employees shall be at the discretion of appointing authority.

(2) Permanent Employees: Since these employees shall have had at least one prior performance rating of acceptable level or higher, it is assumed that they are capable of performing at this level. The performance ratings should be used

to insure a continuing understanding of management's expectations and to enable and encourage the employee to increase their level of performance. The frequency of performance ratings shall be at the discretion of management with the exceptions that the supervisor shall discuss performance with employees semi-annually; provide an official performance rating annually; and if they are given a performance rating of below acceptable level, at least one month prior to dismissal for unacceptable performance.

Section 12. Normally, all appointments to jobs or positions assigned to the classified service shall be probationary for a period of six months from the date of an individual's initial hire date. Before the expiration of the probationary period, the appointing authority may discharge any probationer in his or her department or office upon written notification to the board. If the probationer is not discharged before the expiration of his or her probationary period, his or her appointment shall be deemed complete and he or she shall be designated as a regular status employee in the classified service of the county.

Section 13. The Civil Service Board of Calhoun County may, in cases where the board and the appointing authority deem it proper, authorize the appointing authority to fill a vacancy in the classified service with a temporary individual, if an eligibility list for the position is not available, or if the appointing authority notifies the board in writing that an emergency exists and he or she may not properly operate his or her office while the normal procedures are being followed to fill the vacancy. Normally, the employment of a temporary individual to fill a classified service position shall not exceed a period of ninety calendar days, but the board may extend the appointment for an additional ninety calendar days, when the board and appointing authority determine such action to be warranted. However, all temporary appointments shall be terminated when an eligibility register has been established by the board for the vacancy and an individual has been appointed from the list.

An appointing authority may also, at his or her discretion, employ individuals for temporary work in his or her department so long as the employment is funded, does not involve a job assigned to the classified service, and does not exceed 180 consecutive calendar days.

Section 14. An appointing authority may take disciplinary action against any employee assigned to his or her department so long as the action is taken in accordance with the guidelines established by the board and this act. If the appointing authority's action involves the dismissal, demotion, or suspension without pay of a regular status classified service employee, the appointing authority shall ensure that a pre-determination hearing is held between the employee and appointing authority before the action is taken against the individual. Such hearing shall be held in accordance with guidelines as established by the board. The appointing authority shall, also, submit a written report to the board within five working days of the effective date of such disciplinary action giving the reason for the dismissal, demotion, or suspension without pay. A regular status classified service employee may appeal his or her dismissal, demotion, or suspension

without pay to the board in accordance with Section 16 of this act and guidelines as established by the board.

Section 15. Charges may be filed by any individual against any employee covered by this act as follows: the charges must be in writing, must set forth succinctly the matters complained of, and shall be sworn to before a member of the board or any other person authorized to administer oaths. Upon receipt of such charges, the board shall refer them to the appropriate appointing authority who shall make an investigation of the charges along with the county attorney and take action as determined to be warranted by the findings of his or her investigation. If the appointing authority's action involves a demotion, suspension without pay, or dismissal of a regular status classified service employee, such action shall be taken in accordance with the provisions of Section 14. A written report of the appointing authority's findings and action shall be submitted to the board within 15 calendar days of his or her receipt of the charges from the board. If the board, or the complainant, objects to the appointing authority's findings or action, or both, the board shall hold a public hearing de novo on the charges, and take such disciplinary action as in their judgment is warranted by the evidence and under the law. If the employee objects to the appointing authority's action, he or she may file an appeal with the board in accordance with Section 16 of this act and guidelines as established by the board.

Section 16. A regular status classified service employee shall have 30 calendar days from his or her receipt of written notification of any disciplinary action taken against him or her that involves a dismissal, demotion, or suspension without pay in which he or she may file a written appeal of the action with the board. If the employee chooses to file an appeal with the board, the action against the employee shall not become final until the board holds a hearing on the employee's appeal. Within a reasonable time after receipt of the employee's appeal, the board shall schedule and hold a public hearing de novo on the charges against the employee and render a decision. The hearing shall be held in accordance with this act and guidelines as established by the board. Both the employee and the appointing authority, or their designated representatives, shall be afforded an opportunity to present information concerning the action. The board may in its decision uphold the action by the appointing authority, modify the action, set aside the action, or impose some other action as it determines is warranted by the facts involved. In all hearings, the decision of the board shall be reduced to writing and entered in the record of the case. Pending completion of the board's hearing and rendering of its decision, the board may, upon written request of the appointing authority, approve the employee's suspension without pay by the appointing authority.

Section 17. All meetings and hearings of the board shall be open to the public. Notwithstanding the foregoing, when the good name and character of an individual is to be discussed by the board at one of its meetings, or a written waiver of public hearing signed by the affected employee, the appointing authority, or the citizen complainant, as the case may be, is filed with the board, the board may, by majority vote of its members, close a meeting or hearing and exclude the

public. No other matter may be discussed by the board, if a meeting or hearing has been so closed. In any proceeding before the board, the county commission and appointing authorities, or their designated representatives, and any other interested individual may appear and present information in their interests. The board and its specially authorized representatives shall have the power to administer oaths, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and the production of papers necessary as evidence in connection with any hearing, investigation, or other proceeding within the purview of this act. The sheriff or other law enforcement officer of the county shall serve all processes of the board and shall attend and preserve order at the board's public hearings or other proceedings, when requested by the board. In case a person refuses to obey a duly authorized subpoena of the board, the board, or its representative, may invoke the aid of any circuit court in order that the testimony or evidence is produced. Upon proper showing, such court shall issue a subpoena or order requiring the person to appear before the board or its representatives and produce all evidence relating to the matter in issue. Any person who fails to obey the subpoena or order may be punished by the court as for contempt. The fees of witnesses for attendance and travel shall be the same as fees for witnesses in the circuit courts of this state and shall be paid by the county commission from the general fund of the county. All testimony given in all hearings before the board shall be recorded and transcribed. In all cases, the decision of the board shall be reduced to writing and entered in the record of the case.

Section 18. Any party, including the county commission and county appointing authorities, aggrieved by a final action of the board, shall be entitled to a review of the action by filing a petition in the Circuit Court of Calhoun County within 30 days after the action is taken. Upon the filing of any petition, notice shall also be served upon the chairperson of the board by the petitioner. The petitioner shall be heard by the court at the earliest practical date. Review by the court shall be without a jury and confined to the record of the board action. The record shall include transcripts or other documentation used by the board in arriving at its action. The court may, upon the terms and conditions as it shall deem proper, at any time before the hearing of the petition, permit the board to gather additional information and modify its final decision. The court, upon a hearing of the petition, may affirm or reverse and render or remand the matter to the board for further proceedings consistent with the judgment of the court. The court shall affirm the decision of the board unless it finds that the substantial rights of the petitioner have been prejudiced because the final action was: (1) unsupported by substantial evidence in the facts submitted; (2) in excess of the authority conferred by this act on the board; (3) violative of constitutional provisions; (4) arbitrary or capricious; or (5) affected otherwise by substantial error or injustice. An appeal may be taken from any final judgment of such court to the Court of Appeals of Alabama or the Supreme Court of Alabama as now provided by law.

Section 19. All proceedings pending before the board in accordance with prior legislative and board requirements in effect at the time of the effective date of this act shall be completed in accordance with this act and the board's implementing rules and regulations.

Section 20. No individual shall be appointed or promoted to, or dismissed from, any position, or in any way favored or discriminated against with respect to employment because of his or her political or religious opinions or affiliations. No employee shall engage in any political activity during the hours of his or her employment. There shall be no restriction placed on the political activities of an employee other than during his or her actual hours of employment. An off-duty employee shall enjoy all the rights and privileges regarding political activity of any private citizen. Neither an appointing authority nor any employee in his or her department shall in any way undertake, or threaten to degrade, discharge, or demote, or in any manner change the official position or pay of any employee, officer, or official for giving or withholding, or neglecting to make any contribution of money or any valuable thing for any party or for any political purpose whatsoever.

Section 21. Any person who willfully or through culpable negligence violates any provision of this act shall be subject to a fine of not less than fifty dollars (\$50) but not more than five hundred dollars (\$500). In addition, any person who is in the service of the county and is covered by this act shall also be dismissed from the service of the county and shall not be eligible for reappointment to a position covered by the act for two years.

Section 22. The provisions of this act shall be prospective in nature. The board shall within six months of this act becoming law, draw and have printed such rules, regulations, and plans as it determines necessary to implement the intent thereof.

Section 23. All laws or parts of laws which conflict with this act are repealed and specifically Act No. 384, 1969 Regular Session, and Act No. 274, 1975 Regular Session.

Section 24. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Dean, Dolbare, Drake, Flowers, Gaines, Galliher, Gaston, Gipson, Guin, Hall (L), Hamilton, Hawkins, Hayden, Hill, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, Maull, Moore, Morton, Murphree, Payne, Petelos, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, Warren and Willis.



**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 714. Relating to Calhoun County; to provide for a civil service system governing the appointment, separation, employment, compensation, tenure, and official conduct of employees of the county; define violations of the act and impose penalties for violations; and to repeal Act No. 384, 1969 Regular Session, and Act No. 274, 1975 Regular Session.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Dean, Dolbare, Drake, Flowers, Gaines, Galliher, Gaston, Gipson, Guin, Hall (L), Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, McAdory, McDaniel, Moore, Morton, Murphree, Payne, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, Warren and Willis.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, H. 732, was adopted.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Dean, Drake, Flowers, Gaines, Galliher, Gaston, Gipson, Guin, Hall (L), Hamilton, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Knight (A), Laird, Lindsey, McClammy, Millican, Moore, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Rogers (M), Seibenhener, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Warren and Willis.

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And the bill:

H. 732. Relating to Talladega County, to propose an amendment to the Constitution of Alabama of 1901, to establish the Talladega County Judicial Commission and provide for the filling of vacancies in the office of judge of the circuit court, judge of the district court, or district attorney.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Penry, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

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### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Drake, the Budget Isolation Resolution relating to the bill, H. 736, was adopted.

Yeas 63; Nays 1.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Carns, Carothers, Carter, Clark (W), Clouse, Collins, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, McClammy, McDaniel, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Penry, Perdue, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Turnham, Vance, Venable, Warren and Willis.

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Nay:

Representative Hogan.

- 1

And the bill:

H. 736. Relating to the City of Arab in Cullman and Marshall Counties; terminating a certain sales tax on a certain date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Drake, Flowers, Gaines, Galliher, Gaston, Gipson, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Kennedy, Knight (A), Knight (J), Lindsey, McAdory, McClammy, McDaniel, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, Warren and Willis.

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#### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Gipson, the Budget Isolation Resolution relating to the bill, H. 740, was adopted.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, McClammy, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Townsend, Turnham, Vance, Venable, Willis and Wren.

-68

And the bill:

H. 740. Relating to Autauga County; authorizing the sheriff to operate a jail store and contract telephone installation for inmates; providing for the deposit of monies earned; providing for the distribution and auditing of monies earned.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Knight (A), Lindsey, McAdory, McClammy, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Perdue, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Warren, Willis and Wren.

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#### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Hall (A), the Budget Isolation Resolution relating to the bill, S. 340, was adopted.

Yeas 63; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Buskey, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hayden, Hill, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Lindsey, McClammy, McDaniel, Millican, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Penry, Perdue, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Turnham, Vance, Venable, Warren, White and Wren.

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**REGULAR SESSION  
16th Day**

1625

And the bill:

S. 340. Relating to Jackson County; amending Section 1 of Act No. 79-349, H. 761 of the 1979 Regular Session (Acts 1979, p. 562), providing that the county commission may levy and collect a severance tax on coal; and providing further for the rate of the severance tax on coal to be collected.

was read a third time at length and passed.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dolbare, Drake, Flowers, Gaines, Galliher, Gipson, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hayden, Hill, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Lindsey, McAdory, McClammy, McDaniel, Millican, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Penry, Perdue, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-65

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Hamilton, the Budget Isolation Resolution relating to the bill, S. 465, was adopted.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dolbare, Drake, Flowers, Gaines, Gaston, Gipson, Guin, Hall (L), Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Kennedy, Knight (A), Lindsey, McClammy, McDaniel, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Rogers (M), Sanderson, Sims, Spratt, Starkey, Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-60

And the bill:

S. 465. Proposing a local constitutional amendment to the Alabama Constitution of 1901, pertaining only to Lauderdale County, to authorize the Legislature by general or local law, from time to time, to alter the costs and charges of courts in the county.

was read a third time at length and passed.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Lindsey, McClammy, McDaniel, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Townsend, Vance, Venable, Warren, Willis and Wren.

-60

### **MOTION TO RECONSIDER ADOPTED**

Having voted on the prevailing side, Representative McDaniel offered the motion to reconsider the vote by which the bill, S. 465, was passed, and the motion to reconsider was adopted.

And the bill, S. 465, was again read a third time at length and passed.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Moore, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-69

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Hamilton, the Budget Isolation Resolution relating to the bill, S. 466, was adopted.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Buskey, Carter, Clark (W), Clouse, Collins, Dean, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hamilton, Haney, Hawk, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Jackson, Jorgensen, Kennedy, Knight (A), Lindsey, McAdory, McClammy, McDaniel, McMillan, Minnifield, Moore, Morrison, Murphree, Newton (C), Papucci, Parker (T), Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Turnham, Vance, Venable, White, Willis and Wren.

-61

And the bill:

S. 466. Relating to Lauderdale County; to provide additional court costs in criminal cases; and to distribute the proceeds for the county work release program and for county jail purposes.

was read a third time at length and passed.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Buskey, Carter, Clouse, Collins, Curry, Dean, Dukes, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Haney, Hayden, Hill, Hogan, Houston, Jackson, Jorgensen, Kennedy, Knight (A), Lindsey, McClammy, McDaniel, McMillan, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Parker (T), Penry, Perdue, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Spratt, Thomas (D), Turnham, Vance, Willis and Wren.

-52

**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Hamilton, the Budget Isolation Resolution relating to the bill, S. 467, was adopted.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Boyd, Buskey, Carns, Carter, Clouse, Collins, Flowers, Gaston, Gipson, Guin, Hamilton, Haney, Hawk, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Jackson, Knight (A), Lindsey, McAdory, McClammy, McDaniel, McMillan, Moore, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (M), Sanderson, Seibenhener, Sims, Spratt, Townsend, Turnham, Vance, Venable, White, Willis and Wren.

-54

And the bill:

S. 467. Relating to Lauderdale County; authorizing the county commission to collect certain taxes, licenses, and other fees and revenues currently being collected by the State Department of Revenue.

was read a third time at length and passed.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Buskey, Carns, Carter, Clark (W), Clouse, Collins, Dean, Dukes, Flowers, Gaston, Gipson, Guin, Hamilton, Haney, Hawk, Hayden, Hogan, Houston, Jackson, Kennedy, Lindsey, McAdory, McClammy, McDaniel, McMillan, Moore, Morton, Murphree, Newton (C), Newton (D), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Seibenhener, Sims, Spratt, Townsend, Turnham, Vance, Venable, White, Willis and Wren.

-51

**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.



**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Hamilton, the Budget Isolation Resolution relating to the bill, S. 468, was adopted.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Dean, Flowers, Gaines, Gaston, Gipson, Guin, Hamilton, Hawk, Hayden, Hill, Hogan, Holmes, Houston, Jackson, Johnson (R), Kennedy, Knight (A), McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Moore, Murphree, Newton (C), Newton (D), Parker (T), Penry, Perdue, Petelos, Reed, Rogers (M), Sanderson, Seibenhener, Sims, Spratt, Turnham, Vance, Venable, Willis and Wren.

-52

**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 468. Relating to Lauderdale County; providing for a delinquency fee on delinquent tax payments and providing for disposition of funds from the additional fees.

was read a third time at length and passed.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Boyd, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Dean, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hamilton, Hawk, Hayden, Hill, Hogan, Holmes, Houston, Jackson, Johnson (R), Kennedy, Knight (A), McAdory, McClammy, McDaniel, McMillan, Millican, Moore, Morton, Murphree, Newton (C), Parker (T), Penry, Petelos, Reed, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Spratt, Turnham, Vance, Venable, White, Willis and Wren.

-53

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Hamilton, the Budget Isolation Resolution relating to the bill, S. 469, was adopted.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Buskey, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Gaines, Gaston, Gipson, Guin, Hamilton, Hawk, Hayden, Hill, Hilliard, Hogan, Holmes, Jackson, Johnson (R), Kennedy, Knight (A), Laird, Lindsey, Maull, McClammy, McDaniel, McMillan, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Parker (T), Penry, Perdue, Rogers (M), Sanderson, Seibenhener, Sims, Spratt, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-54

And the bill:

S. 469. Relating to Lauderdale County; providing for a transaction fee, transfer fee of motor vehicle license tags, and a delinquency fee; and providing for the dispositions of the funds from the fees.

was read a third time at length and passed.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Gaines, Gaston, Gipson, Guin, Hamilton, Hawk, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (R), Kennedy, Knight (A), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Moore, Morton, Murphree, Newton (C), Parker (T), Penry, Perdue, Rogers (M), Sims, Spratt, Thomas (J), Turnham, Vance, Warren, Willis and Wren.

-52

**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Hamilton, the Budget Isolation Resolution relating to the bill, S. 470, was adopted.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Buskey, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hamilton, Hawk, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (R), Kennedy, Knight (A), Laird, Lindsey, Maul, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Parker (T), Penry, Perdue, Petelos, Pringle, Reed, Rogers (M), Seibenhener, Sims, Spratt, Thomas (J), Turnham, Vance, Venable, Warren, Willis and Wren.

-59

And the bill:

S. 470. Relating to Lauderdale County; to provide for additional recording fees; and to provide for the disposition of the fees.

was read a third time at length and passed.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Buskey, Carothers, Carter, Clouse, Collins, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hamilton, Hammett, Hawk, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (R), Kennedy, Knight (A), Laird, Lindsey, McClammy, McDaniel, McMillan, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Parker (T), Penry, Perdue, Pringle, Rogers (M), Seibenhener, Sims, Spratt, Thomas (J), Turnham, Vance, Venable, Warren, White, Willis and Wren.

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**RESOLUTIONS**

The following resolutions were introduced:

By Representative Guin:

H.J.R. 336. COMMENDING FRANK L. KENDRICK ON THE OCCASION OF HIS 102ND BIRTHDAY.

WHEREAS, it is with special recognition that the Alabama Legislature notes the occasion of the 102nd birthday of Frank L. Kendrick on April 7, 1996; and

WHEREAS, born on April 7, 1894, in Marion County, Alabama, to Perry and Sarah Hudson Kendrick, Mr. Kendrick spent his childhood on a farm near Eldridge, Alabama, where he attended school at Dunn Hill; and

WHEREAS, a devoted member of First Baptist Church of Carbon Hill, Alabama, Mr. Kendrick gave his life to Christ at the age of 16, and continually and faithfully served as a deacon for 32 years; and

WHEREAS, enjoying life to the fullest, Mr. Kendrick is actively involved in community affairs, and fascinated his family and friends by renewing his driver's license, and purchasing a new automobile after his 100th birthday; and

WHEREAS, Frank L. Kendrick shared a loving marriage with Annie Cox for 74 years, and to this happy union were born three children; Verna, Velma, and Julious; and numerous grandchildren and great grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in celebrating the 102nd birthday of Mr. Kendrick, and do further direct that he receive a copy of this resolution, executed in sincere esteem, and with warm best wishes for many more years of continued good health and happiness.

On motion of Representative Guin, the rules were suspended and the resolution, H.J.R. 336, was adopted.

Also:

By Rules Committee:

H.R. 337. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the Sixteenth legislative day, Wednesday, April 3, 1996, taking precedence over the regular order of business or any pending or unfinished business. Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the Following bills:

Inst Id	Page
H. 28 (By Box)	78

Corrections Dept., posting of statutes relating to escape by convicts, Sec. 14-3-59 repealed

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H. 41 (By Curry) 86

Board of Registrars, purging names of felons, requirement of notice by certified mail removed, Sec. 17-4-132 am'd.

H. 492 (By Hawkins) 47

Rules of the Road, penalties incr. for violations in construction zone

H. 75 (By Thomas D) 7

Juvenile curfew violations, removed from definition of delinquent act, included in definition of child in need of supervision, under cert. conditions, Secs. 12-15-1, 12-15-58 am'd.

H. 453 (By Page) 89

Teachers, ed. employees, accumulation of sick leave, alt., Secs. 16-1-18.1, 16-8-25, 16-12-21 am'd., Sec. 16-1-18 repealed

H. 673 (By Hill) 81

Alabama Home Inspectors Registration Act, registration and licensing of home inspectors, civil sanctions and penalties

H. 731 (By Flowers) 128

Home health care agencies, licensed by St. Bd. of Health, Home health licensure advisory committee, estab., fees, penalties, exclusions

H. 641 (By Warren) 86

Jackson, Lauderdale, St. Clair Cos., bds. of registrars, membs'. working days incr., Sec. 17-4-156 am'd.

H. 95 (By Lindsey) 93

Alabama Cotton Producers, distinctive license plate auth., distrib. of funds to Alabama Cotton Comm.

H. 653 (By Johnson R) 129

Foster family homes, emergency approval by Human Resources Dept. auth., Sec. 38-7-5 am'd.

H. 706 (By Black M)	112
Foreign Corporations, penalties for failure to qualify with Sec. of St., Act 95-663, 1995 Reg. Sess. am'd., Sec. 10-2B-15.02 am'd.	
H. 420 (By Turnham)	122
Transient occupancy tax, summer camps exempt, Sec. 40-26-1 am'd.	
H. 372 (By Penry)	40
Agricultural Grain Marketing Compact, membership, powers, duties, financing	
H. 510 (By Galliher)	96
Handicapped parking, fine incr. to include cert. businesses, sign to contain amount of fine, Sec. 32-6-233.1 am'd.	
H. 56 (By Dukes)	43
Sales and use tax, co. comms. auth. to collect or contract for collection	
H. 390 (By Maull)	118
Motor vehicles, distinctive license tags for the Old Cahawba Capitol Site, duties to Revenue Dept., distrib. of funds to Cahawba Advisory Committee	
H. 451 (By Jackson)	89
Motor vehicles, Kiwanis International, distinctive license tag, auth., distrib. of fees, duties to Revenue Dept.	
H. 374 (By Penry)	26
Alcoholic beverages, special events license, minimum advanced application time period reduced, Sec. 28-3A-20 am'd.	
H. 47 (By Townsend)	46
Motor vehicles, person arrested for traffic offense, allowed to sign bond, persons without proper identification or driver license to be taken before magistrate for a hearing, Sec. 32-1-4 am'd.	

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H. 388 (By McDaniel)

70

Motor vehicle, truck tractor and trailer, prohib. from using left-hand lane on cert. roads except when passing or turning left

H. 393 (By Johnson R)

84

Indoor lead hazard reduction, Health Dept. admin. prog. re, certification of contractors, fees, crim. penalties

On motion of Representative Carter, the resolution, H.R. 337, was adopted.

**MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Hill, the rules were suspended in order to permit the Standing Committee on Banking to meet while the House is in Session.

**SPECIAL ORDER CALENDAR**

The House then proceeded with the consideration of the Special Order Calendar.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Box, the Budget Isolation Resolution relating to the bill, H. 28, was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

And the bill:

H. 28. To repeal Section 14-3-59 of the Code of Alabama 1975, relating to posting statutes on escapes by convicts.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (R), Jorgensen, Kennedy, Laird, Lindsey, McAdory, McClammy, McDaniel, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Robinson, Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Warren, White, Willis and Wren.

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### **PERMISSION GRANTED**

Permission was granted for the Journal to reflect that Representative Pringle intended to vote "Yea" on passage of the bill, H. 28.

### **BUDGET ISOLATION RESOLUTION OFFERED**

Representative Curry offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 41.

### **TIME TO DEBATE EXPIRED**

In accordance with the resolution, H.R. 337, the time to debate the bill, H. 41, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Hawkins, the Budget Isolation Resolution relating to the bill, H. 492, was adopted.



**REGULAR SESSION  
16th Day**

1637

Yeas 66; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Papucci, Parker (P), Penry, Petelos, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Vance, Venable, Warren and Willis.

-66

Nay:

Representatives Dolbare and Payne.

- 2

And the bill:

H. 492. Relating to the Rules of the Road; providing for increased penalties for violations within a construction work zone.

was taken up.

**AMENDMENT OFFERED**

Representative Payne offered the following amendment to the bill, H. 492:

Amend H. 492 on page 2, line 23 by inserting after the word "zone" the following language: ", while private and public construction and maintenance personnel are on sight,"

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 68; Nays 1.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Buskey, Carns, Clark (W), Collins, Curry, Dean, Dolbare, Dukes, Ford, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw,

Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Penry, Pringle, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Townsend, Turner, Vance, Venable and Willis.

-68

Nay:

Representative Parker (P).

- 1

And the bill:

H. 492. Relating to the Rules of the Road; providing for increased penalties for violations within a construction work zone.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 62; Nays 8.

Yea:

Mr. Speaker, Allen, Black (M), Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Dean, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Penry, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Spratt, Thomas (D), Townsend, Turner, Vance, Venable, Warren and Willis.

-62

Nay:

Representatives Dolbare, Hall (A), Hayden, Hinshaw, Minnifield, Page, Payne and Robinson.

- 8

#### **REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 703. Relating to Henry County; providing for an additional transaction fee on mobile homes; providing for an additional transaction fee on certain property when it is assessed for ad valorem taxes; providing for disposition of funds from the additional fees; and providing for a referendum.

TOMMY CARTER  
Chairman

And the bill, H. 703, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 704. Relating to Henry County; providing for an additional special transaction fee on public business filed and transacted in the office of the judge of probate; providing for the disposition of funds from the additional fees; and providing for a referendum.

TOMMY CARTER  
Chairman

And the bill, H. 704, as engrossed, was ordered sent to the Senate.

**SPECIAL ORDER CALENDAR RESUMED**

And the bill:

H. 75. To amend Sections 12-15-1 and 12-15-58 of the Code of Alabama 1975, relating to children in need of supervision; to include the violation of juvenile curfew ordinances in the definition of a child in need of supervision and exclude that violation from the definition of a delinquent act; and to provide that a child being held for the violation of a municipal curfew ordinance be held in a curfew detention facility.

was taken up.

**SUBSTITUTE OFFERED**

Representative Thomas (D) offered the following substitute to the bill, H. 75:

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A BILL  
TO BE ENTITLED  
AN ACT

To amend Sections 12-15-1 and 12-15-58 of the Code of Alabama 1975, to exclude the violation of juvenile curfew ordinances from the definition of a delinquent act; and to provide that a child being held for the violation of a municipal curfew ordinance be held in a curfew detention facility.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 12-15-1 of the Code of Alabama 1975, is amended to read as follows:

"§12-15-1.

"When used in this chapter, the following words and phrases shall have the following meanings, respectively, unless the context clearly indicates otherwise:

"(1) ADULT. An individual 19 years of age or older.

"(2) AFTERCARE. Such conditions and supervision as the court orders after release of legal custody.

"(3) CHILD. An individual under the age of 18, or under 19 years of age and before the juvenile court for a matter arising before that individual's 18th birthday.

"(4) CHILD IN NEED OF SUPERVISION. A child who:

"a. Being subject to compulsory school attendance, is habitually truant from school; or

"b. Disobeys the reasonable and lawful demands of the child's parents, guardian, or other custodian and is beyond their control; or

c. Has committed an offense established by law but not classified as criminal or one applicable only to children; and

"d. In any of the foregoing, is in need of care or rehabilitation.

"(5) COMMIT. Transfer legal and physical custody.

"(6) CONSENT DECREE. An order, entered after the filing of a delinquency petition and before the entry of an adjudication order, suspending the proceedings and continuing the case of the child under supervision in the child's own home, under terms and conditions agreed to by all parties concerned.

"(7) COURT or JUVENILE COURT. The juvenile division of the district court or the juvenile division of the circuit court as established by this chapter.

"(8) DELINQUENT ACT. An act committed by a child that is designated a violation, misdemeanor, or felony offense under the law of this state or of another state if the act occurred in another state or under federal law or a violation of a municipal ordinance except violations of municipal curfew ordinances. Provided, that the term shall not include traffic offenses committed by one 16 years of age or older, other than those charged pursuant to Section 32-5A-191 or a municipal ordinance prohibiting the same conduct. Provided, further, the term shall not include any criminal act, offense, or violation committed by a child who has previously been transferred for criminal prosecution pursuant to Section 12-15-34 and convicted or adjudicated a youthful offender on the criminal charge.

"(9) DELINQUENT CHILD. A child who has committed a delinquent act and is in need of care or rehabilitation.

"(10) DEPENDENT CHILD. A child:

"a. Who, for any reason is destitute, homeless, or dependent on the public for support; or

"b. Who is without a parent or guardian able to provide for the child's support, training, or education; or

"c. Whose custody is the subject of controversy; or

"d. Whose home, by reason of neglect, cruelty, or depravity on the part of the parent, parents, guardian, or other person in whose care the child may be, is an unfit and improper place for the child; or

"e. Whose parent, parents, guardian, or other custodian neglects or refuses, when able to do so or when such service is offered without charge, to provide or allow medical, surgical, or other care necessary for the child's health or well-being; or

"f. Who is in ~~such~~ a condition or surroundings or is under ~~such~~ improper or insufficient guardianship or control as to endanger the morals, health, or general welfare of the child; or

"g. Who has no proper parental care or guardianship; or

"h. Whose parent, parents, guardian, or custodian fails, refuses, or neglects to send the child to school in accordance with the terms of the compulsory school attendance laws of this state; or

"i. Who has been abandoned by the child's parents, guardian, or other custodian; or

"j. Who is physically, mentally, or emotionally abused by the child's parents, guardian, or other custodian or who is without proper parental care and control necessary for the child's well-being because of the faults or habits of the child's parents, guardian, or other custodian or their neglect or refusal, when able to do so, to provide them; or

"k. Whose parents, guardian, or other custodian are unable to discharge their responsibilities to and for the child; or

"l. Who has been placed for care or adoption in violation of the law; or

"m. Who for any other cause is in need of the care and protection of the state; and

"n. In any of the foregoing, is in need of care or supervision.

"(11) DETENTION CARE. The temporary care of delinquent children or children alleged to be delinquent in secure custody pending court disposition or transfer to a residential facility or further care of a child adjudicated a delinquent.

"(12) GUARDIAN AD LITEM. A licensed lawyer appointed by a court to defend or represent a child in any action to which such child may be a party.

"(13) INTAKE OFFICE. The office in the probation service or designee of the judge with the duty of primary contact with the law enforcement agency and complainants of children coming under the jurisdiction of the court.

"(14) JUDGE. Judge of the juvenile court as prescribed by this chapter.

"(15) LAW ENFORCEMENT OFFICER. Any person, however denominated, who is authorized by law to exercise the police powers of the state or local governments.

"(16) LEGAL CUSTODIAN. A person, agency, or department, other than a parent or legal guardian, to whom legal custody of the child has been given by court order or who is acting in loco parentis.

"(17) LEGAL CUSTODY. A legal status created by court order which vests in a custodian the right to have physical custody of the child and to determine where and with whom the child shall live within the state and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, clothing, education, and ordinary medical care, all subject to the powers, rights, duties, and responsibilities of the guardian of the person of the child and subject to any residual parental rights and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by the juvenile court.

"(18) MINOR. An individual who is under the age of 19 years and who is not a "child" within the meaning of this chapter.

"(19) MULTIPLE NEEDS CHILD. A child coming to the attention of the court or one of the entities listed herein who is at imminent risk of out-of-home placement or a placement in a more restrictive environment, as a result of the conditions of emotional disturbance, behavior disorder, mental retardation, mental illness, dependency, chemical dependency, educational deficit, lack of supervision, delinquency, or physical illness or disability, or any combination thereof, and whose needs require the services of two or more of the following entities: Department of Youth Services, public school system (services for exceptional needs), Department of Human Resources, Department of Public Health, juvenile court probation services, or Department of Mental Health and Mental Retardation.

"(20) PROBATION. The legal status created by court order following an adjudication of delinquency or in need of supervision whereby a child is permitted to remain in a community subject to supervision and return to court for violation of probation at any time during the period of probation.

"(21) PROTECTIVE SUPERVISION. A legal status created by court order following an adjudication of dependency whereby a child is permitted to remain in the child's home subject to supervision and to return to the court for violation of protective supervision at any time during the period of protective supervision.

"(22) RESIDENTIAL FACILITY. A dwelling, other than a detention or shelter care facility, providing living accommodations, care, treatment, and maintenance for children, including institutions, foster family homes, group homes, half-way houses, and forestry camps, and, where not operated by a public agency, licensed, or approved to provide such care.

"(23) RESIDUAL PARENTAL RIGHTS AND RESPONSIBILITIES. Those rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including, but not necessarily limited to, the right of visitation, the right to consent to adoption, the right to determine religious affiliation, and the responsibility for support.

"(24) SHELTER CARE. The temporary care of children in group homes, foster care, or other nonpenal facilities."

Section 2. Section 12-15-58 of the Code of Alabama 1975, is amended to read as follows:

"§12-15-58.

"(a) A person taking a child into custody shall, with all possible speed, and in accordance with ~~the provisions of~~ this chapter and the rules of court pursuant thereto:

"(1) Release the child to ~~such~~ the child's parents, guardian, custodian or other suitable person able and willing to provide supervision and care for ~~such~~ the child and issue oral counsel and warning as may be appropriate;.

"(2) Release the child to the child's parents, guardian or custodian upon their promise to bring the child before the court when requested, unless the child's placement in detention or shelter care appears required;.

"(3) Bring the child, if not released, to the intake office of probation services or deliver the child to a place of detention or shelter care designated by the court and, in the most expeditious manner possible, give notice of the action taken, together with a statement of the reasons for taking the child into custody, in writing to the intake office, to the court and to the parent, guardian or other custodian of the child and, in the case of dependency, to the Department of Human Resources, except in the case of a juvenile being taken into custody for a violation of a municipal curfew ordinance. In curfew violation cases, if the child is not released, the child may be taken to a facility which has been previously approved by the court as a curfew detention facility. A child taken to a curfew detention facility shall be released within eight hours.

"(b) Whenever a child, taken into custody pursuant to ~~the provisions of~~ this chapter, is brought to a shelter or other care facility established or approved by the Department of Human Resources or the Department of Youth Services or to the intake office, the person in charge of ~~such~~ the intake office or the representative of the Department of Human Resources, prior to admitting the child for care, shall review the need for detention or shelter care and shall release the child unless detention or shelter care is required under Section 12-15-59 or has been ordered by the court.

"(c) A person taking a child into custody pursuant to ~~the provisions of~~ subdivisions (1) and (7) of Section 12-15-56 shall bring the child to the place of detention or shelter care or to the intake office which shall thereupon proceed in accordance with ~~the provisions of~~ this chapter.

"(d) A person taking a child into custody pursuant to subdivision (4) of Section 12-15-56 shall bring the child to a medical or mental health facility designated by the court if the child is believed to be suffering from a serious mental health condition, illness, or injury which requires either prompt treatment or prompt diagnosis for the child's welfare or for evidentiary purposes, and, in the most expeditious manner possible, give notice of the action taken together with a statement of taking the child into custody in writing to the court, the parents, guardian or other custodian and to the intake office and to the Department of Human Resources in the case of a dependency allegation."

Section 3. This act is applicable to municipal curfew violations occurring after its effective date and municipal curfew violations occurring on or before this act's effective date shall be governed by preexisting law.



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**16th Day**

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Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

**SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 65; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Johnson (R), Jorgensen, Knight (A), Laird, Layson, McDaniel, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Warren and Willis.

-65

Nay:

Representative Rogers (J).

- 1

And the bill:

H. 75. To amend Sections 12-15-1 and 12-15-58 of the Code of Alabama 1975, to exclude the violation of juvenile curfew ordinances from the definition of a delinquent act; and to provide that a child being held for the violation of a municipal curfew ordinance be held in a curfew detention facility.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McDaniel, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P),

Parker (T), Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

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**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 714. Relating to Calhoun County; to provide for a civil service system governing the appointment, separation, employment, compensation, tenure, and official conduct of employees of the county; define violations of the act and impose penalties for violations; and to repeal Act No. 384, 1969 Regular Session, and Act No. 274, 1975 Regular Session.

TOMMY CARTER  
Chairman

And the bill, H. 714, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 705. Relating to Henry County; providing for an additional special transaction fee for real property and personal property documents filed and transacted in the office of the judge of probate; providing for the disposition of funds from the additional fees; and providing for a referendum.

TOMMY CARTER  
Chairman

And the bill, H. 705, as engrossed, was ordered sent to the Senate.

**SPECIAL ORDER CALENDAR RESUMED**

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Page, the Budget Isolation Resolution relating to the bill, H. 453, was adopted.

Yeas 72; Nays 1.

Yea:

Representatives Allen, Baker, Bandy, Black (M), Burke, Carns, Carothers, Clark (W), Crigler, Curry, Dolbare, Dukes, Ford, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Vance, Warren, Willis and Wren.

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Nay:

Mr. Speaker.

- 1

And the bill:

H. 453. (With Amendment): To amend Section 16-1-18.1, Code of Alabama 1975, relating to sick leave accumulation for certain public education employees so as to establish further provisions relating to sick leave; to establish that an employee shall earn one sick leave day per month of contractual employment; to establish definitions; to establish on-the-job injury regulations; to provide for policies by certain education institutions; to repeal Section 16-1-18, Code of Alabama 1975, relating to sick leave for support personnel and to incorporate such provisions into this act; to amend Sections 16-12-21 and 16-8-25, Code of Alabama 1975, relating to vacations and leaves of absences so as to repeal those provisions relating to sick leave and incorporate the provisions into Section 16-1-18.1, Code of Alabama 1975; and to establish an effective date.

was taken up.

**SUBSTITUTE OFFERED**

Representative Page offered the following substitute to the bill, H. 453, and to the pending committee amendment reported by the Standing Committee on Ways and Means:

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A BILL  
TO BE ENTITLED  
AN ACT

To amend §16-1-18.1, Code of Alabama 1975, relating to sick leave accumulation for certain public education employees so as to establish further provisions relating to sick leave; to establish that an employee shall earn one sick leave day per month of contractual employment; to establish definitions; to establish on-the-job injury regulations; to provide for policies by certain education institutions; to repeal §16-1-18, Code of Alabama 1975, relating to sick leave for support personnel and to incorporate such provisions into this act; to repeal §21-1-21, Code of Alabama 1975, relating to sick leave for employees at the Alabama Institute for Deaf and Blind and to incorporate its provisions into this act; to repeal §16-12-21 and §16-8-25, Code of Alabama 1975, relating to vacations and leaves of absences and to incorporate the provisions into §16-1-18.1, Code of Alabama 1975; and to establish an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-1-18.1, Code of Alabama 1975, is amended to read as follows:

"§16-1-18.1.

"(a) Definitions. When used in this section, the following terms shall have the following meanings, respectively:

(1) EMPLOYEE. Any person employed full time as provided by law by those employers enumerated in this section; and adult bus drivers.

(2) EMPLOYER. All public city and county boards of education; the Board of Trustees of the Alabama Institute for Deaf and Blind; the Alabama Youth Services Department District Board in its capacity as the Board of Education for the Youth Services Department District; the Board of Directors of the Alabama School of Fine Arts; the Board of Trustees of the Alabama School of Mathematics and Science; the Alabama State Senate; the Lieutenant Governor; the Alabama House of Representatives; any organization participating in the Teachers' Retirement System (excluding any state governmental department ~~or agency~~ not listed herein); and, the State Board of Education as applied to two-year postsecondary education institutions.

(3) EXECUTIVE OFFICER. The superintendent of any public county school system or any public city school system; the President of the Alabama Institute for Deaf and Blind; the president of any two-year school or college under the auspices of the State Board of Education; the Superintendent of the Department of Youth Services School District; the Executive Director of the Alabama School of Fine Arts; the Executive Director of the Alabama High School of Mathematics and Science; the Secretary of the Senate, the Clerk of the House of Representatives,

the Lieutenant Governor; the chief executive officer of any other employer as provided in this section.

(4) SICK LEAVE. The absence from duty by an employee as a result of any of the following:

a. Personal illness or doctor's quarantine.

b. Incapacitating personal injury.

c. Attendance upon an ill member of the employee's immediate family (parent, spouse, child, sibling), or an individual with a close personal tie.

d. Death in the family of the employee (parent, spouse, child, sibling, parent-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, nephew, niece, grandchild, grandparent, uncle or aunt).

e. Death, injury, or sickness of another person who has unusually strong personal ties to the employee, such as a person who stood in loco parentis.

(5) ON-THE-JOB-INJURY. Any accident or injury to the employee occurring during the performance of duties or while on the property of the employer which prevents the employee from working or returning to his or her job.

"(b) Sick Leave for Employees.

(1) Earnings. The employee shall earn one sick leave day per month of employment.

(2) Reasons for taking sick leave. The employee shall be allowed and authorized to take sick leave for any of the reasons so enumerated and defined in this section.

(3) Employee pay while on sick leave. Reimbursement of pay for the employee per day of sick leave shall be at the daily rate of pay for the employee.

~~(b)~~(c) Sick Leave Accumulation and Transfers. An employee shall be allowed to accumulate sick leave up to 225 days. Earned sick leave days which have been accrued by an employee shall be transferrable from one employer to another up to the maximum number of 225 days. The executive officer of the employer shall take care to ensure that certification of the number of unused sick leave days is provided to the new employer when an employee transfers employment. All of the earned and unused sick leave days which an employee has accumulated shall be transferred to the new employer for use by the employee as provided by law.

"(d) On-the-job Injury. The following regulations, procedures, and rights are established pertaining to employees who are injured while on the job:

(1) Notice of Injury. The employee shall make proper notification of the injury to the executive officer (or to the principal of the school, if applicable), within 24 hours after the injury occurred or where the employee is not clinically able to make notification, it shall be permissible for another person who is reasonably knowledgeable to make the notification of the injury. Other notification procedures and forms shall be as established by written policy of the employer.

(2) Physician certification. The employer may require medical certification from the employee's physician that the employee was injured and cannot return to work as a result of the injury. The executive officer may, at his or her discretion, require a second opinion from another physician at the expense of the employer. The employer may require a statement from the physician that there is a reasonable expectation that the employee will be able to return to work. A uniform physician certification form shall be adopted by the State Board of Education and distributed to each executive officer.

(3) Salary Continued. Upon determination by the executive officer that an employee has been injured on the job and cannot return to work as a result of the injury, the salary and fringe benefits of the employee shall be continued for a period of up to ninety (90) working days consistent with the employee's injury and the subsequent absence from work resulting from the injury. This provision shall apply to the temporary disability of the employee as applicable to the job-related injury.

(4) Extension of Days. The employer may adopt a written policy to extend the 90-day sick leave period for on-the-job injuries. Additional job-injury policies may be adopted by the employer if the policies do not conflict with the section.

(5) Reimbursement to Employer. Any reasonable on-the-job injury costs incurred by the employer (to hire a substitute) per absent injured employee in a fiscal year shall be reimbursed to the employer by the state during the next succeeding fiscal year upon application by the employer to the appropriate State Board of Education department on a form adopted by the State Board (not to exceed 90 work days). The department shall subsequently submit the request to the legislature as a line-item in its budget request for reimbursement to the employer, and, if approved by the legislature, shall reimburse the employer at the amount per day for sick leave authorized and funded in the annual budget act for public schools and colleges.

(6) Employee's Sick Leave. Sick leave shall not be deducted from the employee's account if absence from work is found to be a result of an on-the-job injury as provided in this section.

(7) Additional Expenses. Any unreimbursed medical expenses and costs which the employee incurs as a result of an on-the-job injury may be filed for reimbursement with the State Board of Adjustment. Reimbursement to the employee shall be determined by the Board of Adjustment's policies, rules, and regulations which may be adopted from time to time. The Board of Adjustment shall adopt appropriate rules, regulations, and forms for submission by the employee.

(8) The executive officer shall inform the employee who is injured on the job of his or her rights about appearing before the Board of Adjustment and also about applicable policies within thirty (30) calendar days of notification of the injury."

"(e) Vacations and Leaves of Absences. The employer shall have the authority, under the rules and regulations promulgated from time to time by the State Board of Education, to provide for paid leaves of absences and vacations for its employees. Payment may be from public funds. The employer may provide for leaves of absence during the times the schools are, or are not, in session when the teacher or employee devotes the leave to instructing in or attending schools for appropriate training, or when approved by the State Board of Education as beneficial to the state's educational objectives. The employer may also provide for the payment of any full-time teachers or employees for absences during the time schools are in session when the absence results from an unavoidable cause which prevents the teacher or employee from discharging his or her duties. Pay for the absences resulting from unavoidable causes other than sickness shall not be allowed for a longer time than one week during any one scholastic year.

"(f) The policies and procedures required and permitted by this section shall be adopted by the employer consistent with and as required by §16-1-30, Code of Alabama 1975."

Section 2. Section 16-1-18 and Section 21-1-21, Code of Alabama 1975, relating to sick leave for education support personnel and sick leave for employees at the Alabama Institute for Deaf and Blind are repealed. Section 16-18-25 and Section 16-12-21, Code of Alabama 1975, relating to vacations and leaves of absence for city and county school employees are repealed.

Section 3. This act is supplementary and shall be construed in pari materia with other laws.

Section 4. The provisions of this act are severable. If any part of this act is declared unconstitutional or unenforceable, the remaining provisions of this act shall remain intact.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Lindsey, McClammy, McMillan, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Smith, Spratt, Thomas (D), Thomas (J), Townsend, Vance, Warren, Willis and Wren.

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And the bill:

H. 453. To amend §16-1-18.1, Code of Alabama 1975, relating to sick leave accumulation for certain public education employees so as to establish further provisions relating to sick leave; to establish that an employee shall earn one sick leave day per month of contractual employment; to establish definitions; to establish on-the-job injury regulations; to provide for policies by certain education institutions; to repeal §16-1-18, Code of Alabama 1975, relating to sick leave for support personnel and to incorporate such provisions into this act; to repeal §21-1-21, Code of Alabama 1975, relating to sick leave for employees at the Alabama Institute for Deaf and Blind and to incorporate its provisions into this act; to repeal §16-12-21 and §16-8-25, Code of Alabama 1975, relating to vacations and leaves of absences and to incorporate the provisions into §16-1-18.1, Code of Alabama 1975; and to establish an effective date.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 79; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McClammy, McDaniel, McMillan, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Robinson, Rogers (J), Rogers (M), Smith, Spratt, Thomas (D), Thomas (J), Turner, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representatives Mitchell and Seibenhener.

- 2

**CO-SPONSORS ADDED**

The following were added as co-sponsors to the bill, H. 453, as amended:

Representatives Allen, Bandy, Black (M), Boyd, Burke, Clark (W), Dukes, Guin, Hall (L), Hammett, Haney, Hawk, Hayden, Hilliard, Holmes, Hooper, Jackson, Johnson (E), Knight (A), Lindsey, McAdory, McClammy, McDaniel, Minnifield, Murphree, Papucci, Parker (P), Rogers (J), Sanderson, Vance and Venable.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Hill, the Budget Isolation Resolution relating to the bill, H. 673, was adopted.

Yeas 60; Nays 4.

Yea:

Mr. Speaker, Allen, Baker, Carns, Carothers, Clouse, Collins, Curry, Dean, Dukes, Flowers, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Jorgensen, Knight (A), Laird, Lindsey, McClammy, McDaniel, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Pringle, Rogers (M), Smith, Spratt, Townsend, Turnham, Vance, Venable, White, Willis and Wren.

-60

Nay:

Representatives Black (M), Dolbare, McKee and Payne.

- 4

And the bill:

H. 673. (With Amendment): Establishing the Alabama Home Inspectors Registration Act; to provide for the registration and qualifications of home inspectors in the state; and to provide civil sanctions and penalties for violations.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration to the bill, H. 673, said committee amendment being as follows:

Amend House Bill 673 on page 5, line 15 by adding the following sections and renumbering all subsequent sections accordingly:

"Section 6. There is hereby created in the state treasury a fund to be known as the Alabama Home Inspectors Registration Fund. All funds, fees, charges, costs and collections accruing to or collected by the office of the Secretary of State under the provisions of this act shall be deposited into the state treasury to the credit of this fund and no funds shall be expended for any purpose whatsoever unless the same shall have been allotted and budgeted in accordance with the provisions of Article 4 of Chapter 4 of Title 41 of the Code of Alabama, 1975, and only in the amounts and for the purposes provided by the legislature in the general appropriation bill or this act.

Section 7. There is hereby appropriated to the Office of Secretary of State from the Alabama Home Inspectors Registration Fund for the fiscal years ending September 30, 1996 and September 30, 1997 an amount necessary to implement the provisions of this act."

#### **AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 72; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Carns, Clouse, Collins, Dean, Dolbare, Dukes, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-72

Nay:

Representatives Gaines and Morton.

**AMENDMENT OFFERED**

Representative Knight (J) offered the following amendment to the bill, H. 673, as amended:

On page 5, line 14, delete the language "used to administer this act" and insert in lieu thereof: deposited into the State General Fund to be used as other state funds are used

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 65; Nays 4.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Dukes, Ford, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, McAdory, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren, Willis and Wren.

-65

Nay:

Representatives Gaines, Hamilton, Hayden and Payne.

- 4

And the bill:

H. 673. Establishing the Alabama Home Inspectors Registration Act; to provide for the registration and qualifications of home inspectors in the state; and to provide civil sanctions and penalties for violations.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 71; Nays 6.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Ford, Galliher, Gaston,

Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hinshaw, Hogan, Hooper, Jackson, Johnson (R), Jorgensen, Kennedy, Laird, Lindsey, Maull, McAdory, McDaniel, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Penry, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representatives Black (M), Dolbare, Gaines, Hayden, Payne and Rogers (J).

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**H. 806 RECOMMITTED**

On motion of Representative Sanderson, the Speaker recommitted the bill, H. 806, from the Calendar to the Standing Committee on Business and Labor.

**H. 807 RECOMMITTED**

On motion of Representative Sanderson, the Speaker recommitted the bill, H. 807, from the Calendar to the Standing Committee on Business and Labor.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 67. COMMENDING THE PRATTVILLE HIGH SCHOOL LADY LIONS ON AN OUTSTANDING 1995-96 BASKETBALL SEASON.

Also:

S.J.R. 75. CREATING A JOINT LEGISLATIVE COMMITTEE FOR THE ALABAMA AGRICULTURAL CENTER.

Also:

S.J.R. 76. COMMENDING K.C. THOMASKUTTY AS 1995-1996 STATE PRINCIPAL OF THE YEAR.

McDOWELL LEE  
Secretary

**SIGNING OF SENATE JOINT RESOLUTIONS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 340. Relating to Jackson County; amending Section 1 of Act No. 79-349, H. 761 of the 1979 Regular Session (Acts 1979, p. 562), providing that the county commission may levy and collect a severance tax on coal; and providing further for the rate of the severance tax on coal to be collected.

Also:

S. 466. Relating to Lauderdale County; to provide additional court costs in criminal cases; and to distribute the proceeds for the county work release program and for county jail purposes.

Also:

S. 467. Relating to Lauderdale County; authorizing the county commission to collect certain taxes, licenses, and other fees and revenues currently being collected by the State Department of Revenue.

Also:

S. 468. Relating to Lauderdale County; providing for a delinquency fee on delinquent tax payments and providing for disposition of funds from the additional fees.

Also:

S. 469. Relating to Lauderdale County; providing for a transaction fee, transfer fee of motor vehicle license tags, and a delinquency fee; and providing for the dispositions of the funds from the fees.

Also:

S. 470. Relating to Lauderdale County; to provide for additional recording fees; and to provide for the disposition of the fees.

McDOWELL LEE  
Secretary

### SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

### SPECIAL ORDER CALENDAR RESUMED

### BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Flowers, the Budget Isolation Resolution relating to the bill, H. 731, was adopted.

Yeas 58; Nays 1.

Yea:

Representatives Allen, Baker, Black (M), Burke, Buskey, Carothers, Clark (W), Collins, Dean, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hill, Hogan, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Lindsey, Mauli, McClammy, McDaniel, Minnifield, Morrison, Morrow, Murphree, Newton (C), Newton (D), Parker (T), Penry, Perdue, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Thomas (D), Thomas (J), Turnham, Venable, Warren, White, Willis and Wren.

-58

Nay:

Representative Dolbare.

- 1

And the bill:

H. 731. (With Substitute) (With Amendments): Relating to health; to define home health services; to authorize the licensure and regulation of home health

agencies by the State Board of Health; to provide for fees, and for penalties for violations; to provide for exclusions; to provide for definitions; and to provide for the appointment of the Home Health Licensure Advisory Committee.

was taken up.

**SUBSTITUTE OFFERED**

Representative Flowers offered the following substitute to the bill, H. 731 and to the pending substitute and amendments reported by the Standing Committee on Health:

**A BILL  
TO BE ENTITLED  
AN ACT**

Relating to health; to define home health services; to authorize the licensure and regulation of home health agencies by the State Board of Health; to provide for fees, and for penalties for violations; to provide for exclusions; to provide for definitions; and to provide for the appointment of the Home Health Licensure Advisory Committee.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. For the purposes of this act, the following words or phrases shall have the following meanings:

(1) **HOME HEALTH AGENCY.** Any person, partnership, association, corporation, or other organization, whether public or private, proprietary, or nonprofit, that provides a home health service for compensation or other consideration in a patient's residence.

(2) **HOME HEALTH SERVICES.** The provision or coordination of acute, restorative, rehabilitative, maintenance, preventive, or health promoting services through professional nursing or by other therapeutic services such as physical therapy, speech therapy, occupational therapy, medical social services, or home health aide or personal services in a client's residence.

(3) **HOME HEALTH AIDE SERVICES.** A person who provides personal care and or personal services for a person in the home under the supervision of a registered nurse, physical therapist, occupational therapist, or speech therapist.

Section 2. For the purposes of this act, the following shall not be deemed to be home health agencies and shall not be required to be licensed as home health agencies by the State Board of Health:

(1) A licensed physician personally rendering home visits to his or her own patients.

(2) A licensed pharmacist personally rendering home visits to his or her own patients.

(3) An individual whose residence is in the patient's residence.

(4) An individual licensed nurse who performs private duty nursing services.

(5) An individual employee of a home health agency.

(6) An individual who provides home health services through a contract with a home health agency.

(7) An individual who provides personal services in a client's residence.

(8) An entity furnishing durable medical equipment not involving the delivery of professional services beyond those necessary to set up and monitor the proper functioning of the equipment and to educate the user on its proper use.

(9) A licensed pharmacy that delivers prescription drugs and durable medical equipment.

Section 3. (a) The State Board of Health is hereby authorized to grant licenses for the operation of home health agencies which are found to comply with the provisions of this act and any regulations adopted by the State Board of Health.

(b) The State Board of Health may, following the contested case provisions of the Alabama Administrative Procedure Act, suspend or revoke a license, or deny licensure to an applicant, at any time that the following is determined with regard to a license holder or applicant:

(1) The licensee or applicant does not meet or no longer meets prescribed qualifications.

(2) The licensee or applicant is guilty of misconduct as defined by the rules of the State Board of Health or otherwise commits a violation of this act or any rules adopted thereunder.

(3) The licensee or applicant has submitted a license application which is fraudulent or knowingly false in any respect.

(4) The licensee or applicant has committed fraud in connection with any matter relating to the provision of home health services.

(5) The licensee or applicant has knowingly allowed an employee or contractor to perform any act which exceeds the scope of license or privilege granted to the employee or contractor.



(c) Any party aggrieved by a final decision or order of the State Board of Health suspending, revoking, or denying a license is entitled to a review of such decision in accordance with the provisions of the Alabama Administrative Procedure Act.

Section 4. (a) No person, firm, company, corporation, organization, facility, or agency shall deliberately hinder, obstruct, or interfere with an officer, inspector, or duly authorized agent of the State Board of Health while in the performance of official duties. Violation of this subsection shall be a Class C misdemeanor.

(b) No person, firm, company, corporation, organization, facility, or agency shall operate without a valid, current license to do so, a home health agency which, under the provisions of this act or the rules adopted pursuant thereto, may not be operated without a license issued by the State Board of Health. Violation of this subsection shall be a Class C misdemeanor.

(c) No person, firm, company, corporation, organization, facility, or agency shall regularly engage in providing home health services unless licensed as provided in this act, or unless providing such services as an employee or agent of a licensed home health agency, or unless exempted from such licensure pursuant to the provisions of this act. Notwithstanding the foregoing, nothing in this act shall be construed to prohibit any physician or nurse licensed in Alabama from performing any act within his or her scope of practice. No person or entity shall hold himself or herself out to be a home health agency unless licensed as a home health agency as provided in this act. Violation of this subsection shall be a Class C misdemeanor.

(d) Contracts or agreements to pay money for the provision of home health care by unlicensed persons or entities required to be licensed under the provisions of this act shall be null and void and shall not be enforceable in any court. Claims for payment for home health services submitted to insurance companies, health maintenance organizations, and other third party reimbursement entities by unlicensed persons or entities required to be licensed under this act may be denied without further recourse.

Section 5. (a) Any person or entity desiring licensure under this act shall apply to the State Board of Health therefor, by filing a written application on a form prescribed by the State Board of Health.

(b) The application for a home health agency license shall be accompanied by a single standard license fee of five hundred dollars (\$500). All fees received under this act shall be paid into the State Treasury to the credit of the State Board of Health and are hereby appropriated to the State Board of Health and shall be used for carrying out the provisions of this act; however, the expenditure of said sums so appropriated shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Chapter 4 of Title 41 of the Code of Alabama 1975.

(c) A home health agency which is certified by Medicare or accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) shall be deemed by the Department of Public Health to be licensable without further inspection or survey by personnel of the Department of Public Health.

Section 6. (a) A license issued under this act is not transferable or assignable. A license issued under this act shall be issued only for the person or entity named in the application, and may be renewed from year to year upon application, investigation and payment of the required license fee, as in the case of the original license.

(b) The State Board of Health shall compile a registry of all licensed home health agencies, both alphabetically and by county. Copies of the registry shall be made available to members of the general public at a reasonable printing charge.

Section 7. (a) There shall be an advisory committee of 11 members to be known as the Home Health Licensure Advisory Committee, of which at least two of whom shall be minority members. The committee shall assist and advise the State Board of Health in the promulgation of rules and regulations necessary to carry out the provisions of this act. The committee shall meet at least annually. The members of the committee shall annually elect one of its members to serve as chair.

(b) The committee members shall be appointed in the following manner:

(1) Three members shall be selected by the Alabama Association of Home Health Agencies. One of the three shall be appointed to an initial term which shall expire on August 31, 1997, one to an initial term which shall expire on August 31, 1998, and one to an initial term which shall expire on August 31, 1999.

(2) Two members shall be selected by the Alabama Hospital Association. One of the two shall be appointed to an initial term which shall expire on August 31, 1997, and the other to an initial term which shall expire on August 31, 1999.

(3) Two members shall be selected by the State Health Officer. One of the two shall be appointed to an initial term which shall expire on August 31, 1997, and the other to an initial term which shall expire on August 31, 1999.

(4) One member shall be selected by the Medical Association of the State of Alabama. This appointment shall be for an initial term which shall expire on August 31, 1998.

(5) One member shall be selected by the Alabama State Nurses Association. This appointment shall be for an initial term which shall expire on August 31, 1998.

(6) One member shall be selected by the Governor to represent the interests of consumers. This appointment shall be for an initial term which shall expire on August 31, 1999.

(7) One member shall be selected by the Alabama Pharmacist Association. This appointment shall be for an initial term which shall expire on August 31, 1998.

(c) Following the expiration of the initial terms, all subsequent terms shall be for three years, except for appointment to fill unexpired terms, in which case the appointee shall serve for the remainder of the unexpired term.

(d) Members of the committee shall not be entitled to compensation, but shall be entitled to travel and per diem expenses at the same rate as state employees.

Section 8. The State Board of Health, with the advice and consultation of the committee, shall adopt rules necessary to carry out the provisions of this act. These rules shall include uniform minimum standards for the agencies licensed under provisions of this act, as deemed necessary for the protection of the health, safety, and welfare of the public by ensuring adequate and quality care of individuals receiving such services. Such rules shall be adopted in accordance with the Alabama Administrative Procedure Act.

Section 9. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are repealed.

Section 11. Sections 3, 4, 5, and 6 of the act shall become effective on August 1, 1997. The remainder of this act shall become effective following its passage and approval by the Governor, or upon its otherwise becoming a law.

### **TIME TO DEBATE EXPIRED**

In accordance with the resolution, H.R. 337, the time to debate the bill, H. 731, the pending substitute and amendments reported by the Standing Committee on Health and the pending substitute offered by Representative Flowers expired and the Speaker proceeded to the next bill on the Special Order Calendar.

### **MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 465. Proposing a local constitutional amendment to the Alabama Constitution of 1901, pertaining only to Lauderdale County, to authorize the

Legislature by general or local law, from time to time, to alter the costs and charges of courts in the county.

McDOWELL LEE  
Secretary

### **SIGNING OF SENATE BILL**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

### **MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Baker, the rules were suspended in order to permit the Standing Committee on Local Legislation No. 1 to meet while the House is in Session.

### **SPECIAL ORDER CALENDAR RESUMED**

### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Warren, the Budget Isolation Resolution relating to the bill, H. 641, was adopted.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Thomas (D), Townsend, Turner, Venable, Warren, Willis and Wren.

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And the bill:

H. 641. (With Substitute): To amend Section 17-4-156, Code of Alabama 1975, to provide further for the working days of certain county boards of registrars.

was taken up.

**SUBSTITUTE OFFERED**

Representative Warren offered the following substitute to the bill, H. 641, and to the pending substitute reported by the Standing Committee on Constitution and Elections:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 17-4-156, Code of Alabama 1975, to provide further for the working days of certain county boards of registrars.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Section 17-4-156 of the Code of Alabama 1975, is amended to read as follows:

**"§17-4-156.**

"(a) Each member of the board of registrars in the Counties of Chambers, ~~Cherokee, Clarke,~~ Clay, Cleburne, ~~Genevieve,~~ Coosa, ~~Grenshaw,~~ Dallas, Escambia, Geneva, ~~Hale,~~ Henry, Lawrence, Limestone, Lowndes, Perry, Sumter, ~~Washington,~~ and Wilcox may meet a maximum of 120 working days each fiscal year beginning October 1, 1984, and thereafter; each member of the board of registrars in the Counties of Barbour, Blount, Butler, Covington, Fayette, Greene, ~~Lauderdale,~~ Lee, Marengo, Pickens, Pike, Randolph, Talladega, and Winston may meet a maximum of 168 working days each fiscal year beginning October 1, 1984, and thereafter, except in the Counties of Lee and Pike each board of registrars may meet up to an additional 30 session days each fiscal year, at the discretion of the chairman of the county commission, beginning October 1, 1985, and thereafter and such days shall be paid from the respective county funds; each member of the board of registrars in Tallapoosa County may meet a maximum of 220 working days each fiscal year beginning October 1, 1984, and thereafter; each member of the board of registrars in the Counties of Dale, Franklin, Houston, Marion, Marshall, Bullock, Macon, ~~St. Clair,~~ and Tuscaloosa may meet a maximum of 216 working days each fiscal year beginning October 1, 1984, and thereafter; and each member of the boards of registrars in the Counties of DeKalb, Elmore, ~~Jackson,~~ Russell, and Shelby may meet a maximum of 167 working days each fiscal year beginning October 1, 1984, and thereafter.

"(b) In the Counties of Choctaw, Coffee, Colbert, Cullman, Lauderdale, and Monroe, each member of the board of registrars may meet a maximum of 199 working days each fiscal year beginning October 1, 1984, and thereafter.

"(c) Each member of the board of registrars of Etowah, Autauga, Jackson, and Bibb Counties may meet a maximum of 187 working days each fiscal year. Each member of the board of registrars of Walker County may meet a maximum

of 180 days each fiscal year and each member of the board of registrars of Lamar County, Cherokee, Clarke, Conecuh, Crenshaw, Hale, and Washington Counties may meet a maximum of 140 days each fiscal year.

"(d) Each member of the board of registrars in the Counties of Baldwin, Calhoun, Chilton, Madison, Mobile, Montgomery, St. Clair, and Morgan are authorized to meet not more than five days each week for the purpose of carrying out their official duties. Jefferson County, which is now operating under the provisions of local bills, shall be exempted from the provisions of this section. Provided, however, that where the words "each year" are used in the local acts the words mean "each fiscal year beginning October 1, 1984, and thereafter."

"(e) The actual number of working days to be used as session days shall be determined by a quorum of the board according to the needs of the county.

"(f) As many as 25 of the allotted working days may be used for special registration sessions (i.e., those sessions held away from the courthouse in the several precincts of the county or sessions held on Saturday or between the hours of 5:00 P.M. and 9:00 P.M.). Notice of any special session scheduled by the board shall be given at least 10 days prior to the special session by (1) bills posted at three or more public places in each election precinct affected, if the session involves precinct visits, and (2) advertisement once a week for two successive weeks in a newspaper published in the county or by radio or television announcements on a local station, or both by newspaper or announcement."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### **TIME TO DEBATE EXPIRED**

In accordance with the resolution, H.R. 337, the time to debate the bill, H. 641, the pending substitute reported by the Standing Committee on Constitution and Elections and the substitute offered by Representative Warren expired and the Speaker proceeded to the next bill on the Special Order Calendar.

### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Lindsey, the Budget Isolation Resolution relating to the bill, H. 95, was adopted.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers,

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Ford, Gaines, Gaston, Gipson, Hall (A), Hall (L), Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Millican, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (J), Turnham, Warren, White and Willis.

-72

And the bill:

H. 95. To provide distinctive motor vehicle license tags or plates to honor cotton producers; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 1.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Cams, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Warren, White and Willis.

-80

Nay:

Representative Papucci.

- 1

**BUDGET ISOLATION RESOLUTION OFFERED**

Representative Johnson (R) offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 653.

**TIME TO DEBATE EXPIRED**

In accordance with the resolution, H.R. 337, the time to debate the bill, H. 653, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Black (M), the Budget Isolation Resolution relating to the bill, H. 706, was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

-85

And the bill:

H. 706. (With Amendment): To amend Act No. 95-663, S. 512, 1995 Regular Session, now appearing as Section 10-2B-15.02 of the Code of Alabama 1975, to provide further for consequences of foreign corporations transacting business without authority.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Banking to the bill, H. 706, said committee amendment being as follows:

On page 3, line 9, after "of" insert the words: unsecured loans or

On page 3, line 11, delete the words: , or both,

On page 3, line 12, after "state" insert the words: , or both,



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On page 3, line 14, after "a" insert the words: payee or other obligee,

On page 3, line 26, delete the word "whose" and insert in lieu thereof: provided however, no bank, banking association, insurance company, or other entity shall constitute a lending institution unless its

On page 4, line 1, delete the word "which" and insert in lieu thereof: it

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

-84

And the bill:

H. 706. To amend Act No. 95-663, S. 512, 1995 Regular Session, now appearing as Section 10-2B-15.02 of the Code of Alabama 1975, to provide further for consequences of foreign corporations transacting business without authority.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw,

Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

-90

### BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turnham, the Budget Isolation Resolution relating to the bill, H. 420, was adopted.

Yeas 82; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-82

Nay:

Representative Holmes.

- 1

And the bill:

H. 420. To amend Section 40-26-1, Code of Alabama 1975, relating to the state transient occupancy tax, to provide that tuition and fees charged by summer camps and similar conference facilities providing programs for children, certain students, and members or guests of certain nonprofit organizations are exempt from the transient occupancy tax; and to provide a retroactive effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

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Yeas 88; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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Nay:

Representative Holmes.

- 1

**CO-SPONSORS ADDED**

The following were added as co-sponsors to the bill, H. 420:

Representatives Allen, Black (M), Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Dolbare, Dukes, Flowers, Ford, Galliher, Gipson, Graham, Guin, Hayden, Hogan, Houston, Jackson, Johnson (R), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, Millican, Minnifield, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Parker (T), Payne, Reed, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (J), Townsend, Vance, Warren and White.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 300. COMMENDING CAROLINE MARSHALL DRAUGHON ON HER OUTSTANDING CONTRIBUTIONS TO AUBURN UNIVERSITY.

Also:

H.J.R. 301. COMMENDING ROBERT F. GLASS ON HIS OUTSTANDING CHARITABLE CONTRIBUTIONS.

Also:

H.J.R. 302. RECOGNIZING THE KIWANIS CLUB OF TUSCALOOSA ON ITS 75TH ANNIVERSARY.

Also:

H.J.R. 303. COMMENDING DR. REGINA M. BENJAMIN UPON HER SELECTION TO THE AMERICAN MEDICAL ASSOCIATION BOARD OF TRUSTEES.

Also:

H.J.R. 306. COMMENDING THE SOUTHEAST YMCA NINE-YEAR-OLD ALL-STAR BASKETBALL TEAM.

Also:

H.J.R. 330. COMMENDING WEST END HIGH SCHOOL ON ITS OUTSTANDING ACCOMPLISHMENTS, AND 1995-1996 6A BASKETBALL CHAMPIONSHIP.

Also:

H.J.R. 331. HONORING CHARLES A. BOWSHER FOR HIS YEARS OF DISTINGUISHED SERVICE AS COMPTROLLER GENERAL OF THE UNITED STATES.

Also:

H. J. R. 333. COMMENDING THE UNIVERSITY OF ALABAMA-HUNTSVILLE ON ITS NCAA DIVISION II ICE HOCKEY CHAMPIONSHIP.

Also:

H.J.R. 334. COMMENDING DOTHAN AND HOUSTON COUNTY ORGANIZATIONS FOR EFFORTS IN SPONSORING STATUE OF DR. GEORGE WASHINGTON CARVER IN DOTHAN.

McDOWELL LEE  
Secretary

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 280. NAMING THE "EDDIE MARTIN PARKWAY" IN ST. CLAIR COUNTY, ALABAMA.

Also:

H.J.R. 281. MOURNING THE DEATH OF LONNIE RAY KEETON.

Also:

H.J.R. 284. COMMENDING PRISCILLA BYNUM SEELEY FOR HER OUTSTANDING CAREER ACCOMPLISHMENTS.

Also:

H.J.R. 293. MOURNING THE DEATH OF DEACON CHARLES D. STALLWORTH.

Also:

H.J.R. 296. COMMENDING HARRIETTE AND TOM ROST AND CARROUSEL PRODUCTIONS FOR OUTSTANDING CONTRIBUTIONS TO OUR ELDERLY CITIZENS.

Also:

H.J.R. 297. RECOGNIZING LIEUTENANT KEN MAYS UPON HIS RETIREMENT FROM THE ALABAMA BUREAU OF INVESTIGATION, NORTHERN DISTRICT.

Also:

H.J.R. 298. COMMENDING DENISE IRELAND CYPRESS ON HER OUTSTANDING ACCOMPLISHMENTS AS A TEACHER.

Also:

H.J.R. 299. COMMENDING PHILIP R. ALKER FOR DISTINGUISHED SERVICE TO THE PRATTVILLE AREA CHAMBER OF COMMERCE.

McDOWELL LEE  
Secretary

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 75. To amend Sections 12-15-1 and 12-15-58 of the Code of Alabama 1975, to exclude the violation of juvenile curfew ordinances from the definition of a delinquent act; and to provide that a child being held for the violation of a municipal curfew ordinance be held in a curfew detention facility.

TOMMY CARTER  
Chairman

And the bill, H. 75, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 492. Relating to the Rules of the Road; providing for increased penalties for violations within a construction work zone.

TOMMY CARTER  
Chairman

And the bill, H. 492, as engrossed, was ordered sent to the Senate.

**MESSAGE FROM THE GOVERNOR**

To The House of Representatives  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Joint Resolution No. 274, without the Governor's signature and approval.

Done this 26th day of March, 1996.

Respectfully submitted,

WILLIAM P. GRAY  
Legal Advisor to the Governor

**MESSAGE FROM THE GOVERNOR**

To The House of Representatives  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Joint Resolution No. 274, without my signature and approval.

It appears that this Joint Resolution contemplates that the Judgeships created by Act No. 90-539 and Act No. 91-640, should be filled in the 1996 election process. However, clearly both of these acts of the legislature provided for an election in 1992 and "every six years thereafter". Consequently, there is no statutory authority to fill these positions by election prior to the 1998 election cycle. These judicial positions were needed when the legislature created them and are needed even more today. Therefore, I am returning House Joint Resolution No. 274 without my signature.

Done on this the 26th day of March, 1996.

Respectfully,

FOB JAMES, JR.  
Governor

**GOVERNOR'S MESSAGE**

The House proceeded to reconsider the resolution:

H.J.R. 274. DECLARING THAT PRECLEARED JUDICIAL POSITIONS BE FILLED BY A VOTE OF THE PEOPLE.

**MOTION TO ADOPT OFFERED**

Representative Carothers offered the motion to adopt the resolution, H.J.R. 274, the Governor's objection to the contrary notwithstanding.

**MOTION TO CARRY OVER TABLED**

On motion of Representative Carothers, the motion offered by Representative Sims to carry over the resolution, H.J.R. 274, and the pending motion to adopt the resolution to the twenty-ninth legislative day was tabled.

Yeas 62; Nays 30.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clouse, Dolbare, Dukes, Ford, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, Millican, Minnifield, Mitchell, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Parker (P), Parker (T), Penry, Perdue, Reed, Rogers (J), Smith, Spratt, Thomas (J), Turnham, Vance, Venable, Warren and White.

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Nay:

Representatives Carns, Crigler, Curry, Dean, Flowers, Gaines, Gaston, Haney, Hawkins, Hill, Jorgensen, Knight (A), Laird, Layson, McKee, McMillan, Moore, Morton, Papucci, Payne, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend and Wren.

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**RESOLUTION ADOPTED**

The question was then on the motion offered by Representative Carothers to adopt the resolution, H.J.R. 274, the Governor's objection to the contrary notwithstanding, and the resolution was adopted.

Yeas 62; Nays 34.

Yea:

Representatives Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Dolbare, Drake, Dukes, Ford, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Lindsey, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Parker (P), Parker (T), Perdue, Reed, Robinson, Rogers (J), Smith, Spratt, Starkey, Turnham, Vance, Venable, Warren, White and Willis.

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Nay:

Representatives Allen, Carns, Crigler, Curry, Dean, Flowers, Gaines, Gaston, Haney, Hawkins, Hill, Hooper, Jorgensen, Knight (A), Laird, Layson, McKee, McMillan, Moore, Morton, Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Turner and Wren.

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Which was a majority of the whole number elected to the House.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 300. COMMENDING CAROLINE MARSHALL DRAUGHON ON HER OUTSTANDING CONTRIBUTIONS TO AUBURN UNIVERSITY.

Also:

H.J.R. 301. COMMENDING ROBERT F. GLASS ON HIS OUTSTANDING CHARITABLE CONTRIBUTIONS.

Also:

H.J.R. 302. RECOGNIZING THE KIWANIS CLUB OF TUSCALOOSA ON ITS 75TH ANNIVERSARY.

Also:

H.J.R. 303. COMMENDING DR. REGINA M. BENJAMIN UPON HER SELECTION TO THE AMERICAN MEDICAL ASSOCIATION BOARD OF TRUSTEES.

Also:

H.J.R. 306. COMMENDING THE SOUTHEAST YMCA NINE-YEAR-OLD ALL-STAR BASKETBALL TEAM.

Also:

H.J.R. 330. COMMENDING WEST END HIGH SCHOOL ON ITS OUTSTANDING ACCOMPLISHMENTS, AND 1995-1996 6A BASKETBALL CHAMPIONSHIP.

Also:

H.J.R. 331. HONORING CHARLES A. BOWSHER FOR HIS YEARS OF DISTINGUISHED SERVICE AS COMPTROLLER GENERAL OF THE UNITED STATES.

Also:

H.J.R. 333. COMMENDING THE UNIVERSITY OF ALABAMA-HUNTSVILLE ON ITS NCAA DIVISION II ICE HOCKEY CHAMPIONSHIP.

Also:

H.J.R. 334. COMMENDING DOTHAN AND HOUSTON COUNTY ORGANIZATIONS FOR EFFORTS IN SPONSORING STATUE OF DR. GEORGE WASHINGTON CARVER IN DOTHAN.

Also:

H.J.R. 280. NAMING THE "EDDIE MARTIN PARKWAY" IN ST. CLAIR COUNTY, ALABAMA.

Also:

H.J.R. 281. MOURNING THE DEATH OF LONNIE RAY KEETON.

Also:

H.J.R. 284. COMMENDING PRISCILLA BYNUM SEELEY FOR HER OUTSTANDING CAREER ACCOMPLISHMENTS.

Also:

H.J.R. 293. MOURNING THE DEATH OF DEACON CHARLES D. STALLWORTH.

Also:

H.J.R. 296. COMMENDING HARRIETTE AND TOM ROST AND CARROUSEL PRODUCTIONS FOR OUTSTANDING CONTRIBUTIONS TO OUR ELDERLY CITIZENS.

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Also:

H.J.R. 297. RECOGNIZING LIEUTENANT KEN MAYS UPON HIS RETIREMENT FROM THE ALABAMA BUREAU OF INVESTIGATION, NORTHERN DISTRICT.

Also:

H.J.R. 298. COMMENDING DENISE IRELAND CYPRESS ON HER OUTSTANDING ACCOMPLISHMENTS AS A TEACHER.

Also:

H.J.R. 299. COMMENDING PHILIP R. ALKER FOR DISTINGUISHED SERVICE TO THE PRATTVILLE AREA CHAMBER OF COMMERCE.

And finds same correctly enrolled.

**TOMMY CARTER**  
Chairman

**SIGNING OF HOUSE JOINT RESOLUTIONS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 706. To amend Act No. 95-663, S. 512, 1995 Regular Session, now appearing as Section 10-2B-15.02 of the Code of Alabama 1975, to provide further for consequences of foreign corporations transacting business without authority.

**TOMMY CARTER**  
Chairman

And the bill, H. 706, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 673. Establishing the Alabama Home Inspectors Registration Act; to provide for the registration and qualifications of home inspectors in the state; and to provide civil sanctions and penalties for violations.

**TOMMY CARTER**  
Chairman

And the bill, H. 673, as engrossed, was ordered sent to the Senate.

**SPECIAL ORDER CALENDAR RESUMED****BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Penry, the Budget Isolation Resolution relating to the bill, H. 372, was adopted.

Yeas 73; Nays 0.

Yea:

Representatives Allen, Baker, Black (M), Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McMillan, Millican, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, White and Willis.

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And the bill:

H. 372. To authorize a compact to be known as "The Interstate Compact on Agricultural Grain Marketing" to promote and encourage the comprehensive and continuing studies and investigations of agricultural grain marketing practices, procedures, and controls and their relationship to and effect upon the citizens and

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economies of the member states; to provide for recommendations shall be made for the correction of weaknesses and solutions to problems in the present system of agricultural grain marketing or the development of alternatives to the present system; to provide for membership in the Interstate Agricultural Grain Marketing Commission; and to provide for the organization, structure, financing and the powers and duties of the commission.

was taken up.

**AMENDMENT OFFERED**

Representative Minnifield offered the following amendment to the bill, H. 372:

To amend H. 372 on page 4 after line 22 by adding a new subsection (e) as follows:

"e. One member of the Commission shall be black and one member shall be female."

**AMENDMENT TABLED**

On motion of Representative Hall (A), the amendment offered by Representative Minnifield to the bill, H. 372, was tabled.

Yeas 31; Nays 20.

Yea:

Representatives Carns, Collins, Crigler, Curry, Dean, Drake, Gaston, Gipson, Guin, Hall (A), Haney, Hawkins, Hinshaw, Jorgensen, McDaniel, McKee, McMillan, Morrison, Morrow, Morton, Murphree, Papucci, Payne, Perdue, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Townsend and Turner.

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Nay:

Representatives Baker, Black (M), Clark (W), Galliher, Graham, Hall (L), Hayden, Hilliard, Houston, Johnson (E), Kennedy, McAdory, Melton, Newton (D), Penry, Reed, Rogers (J), Sims, Spratt and Venable.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**TIME TO DEBATE EXPIRED**

In accordance with the resolution, H.R. 337, the time to debate the bill, H. 372, expired and the Speaker proceeded to the next bill on the Special Order Calendar.

**BUDGET ISOLATION RESOLUTION OFFERED**

Representative Galliher offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 510.

**TIME TO DEBATE EXPIRED**

In accordance with the resolution, H.R. 337, the time to debate the bill, H. 510, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Dukes, the Budget Isolation Resolution relating to the bill, H. 56, was adopted.

Yeas 65; Nays 0.

Yea:

Representatives Allen, Baker, Black (M), Carns, Carothers, Clouse, Collins, Curry, Dean, Drake, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

And the bill:

H. 56. To provide that county commissions may collect or contract for the collection of local taxes that are authorized to be levied by a general or local act.

was taken up.

**AMENDMENT OFFERED**

Representative McMillan offered the following amendment to the bill, H. 56:

On page 1, lines 12 and 21, after the word "that" insert the following: certain

On page 1, delete line 25 in its entirety and insert in lieu thereof the following:

Section 1. Except in circumstances where local taxes are currently collected under existing local law, the county commission may, by ordinance

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 74; Nays 0.

Yea:

Representatives Allen, Baker, Black (M), Boyd, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 56. To provide that certain county commissions may collect or contract for the collection of local taxes that are authorized to be levied by a general or local act.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 75; Nays 1.

Yea:

Representatives Allen, Baker, Black (M), Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, McKee, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren, White and Willis.

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Nay:

Representative McAdory.

- 1

### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Maull, the Budget Isolation Resolution relating to the bill, H. 390, was adopted.

Yeas 83; Nays 0.

Yea:

Representatives Allen, Baker, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vapce, Venable, Warren, White and Willis.

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And the bill:

H. 390. To provide distinctive motor vehicle license tags or plates for supporters of the Old Cahawba Capitol Site; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

was taken up.

### **AMENDMENT OFFERED**

Representative Maull offered the following amendment to the bill, H. 390:

On page 3, line 5, delete "522" and insert in lieu thereof the following: 252

### **AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 79; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (J), Townsend, Turner, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 390. To provide distinctive motor vehicle license tags or plates for supporters of the Old Cahawba Capitol Site; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 85; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Warren, White and Willis.

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#### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Jackson, the Budget Isolation Resolution relating to the bill, H. 451, was adopted.

Yeas 84; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 451. Providing for distinctive motor vehicle license tags or plates for members of the Kiwanis International; prescribing the fees for the tags or plates; providing for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

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was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White and Willis.

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**PERMISSION GRANTED**

Permission was granted for the Journal to reflect that Representative Mitchell intended to vote "Yea" on adoption of the Budget Isolation Resolution relating to bill, H. 451.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Penry, the Budget Isolation Resolution relating to the bill, H. 374, was adopted.

Yeas 49; Nays 7.

Yea:

Representatives Allen, Baker, Black (L), Burke, Carothers, Clouse, Dean, Dolbare, Dukes, Flowers, Galliher, Gaston, Graham, Guin, Hall (A), Hammett, Haney, Hawkins, Hayden, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Laird, McAdory, McDaniel, McKee, Millican, Moore, Morrow, Newton (C), Newton (D), Page, Papucci, Parker (T), Sanderford, Sanderson, Spratt, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren and White.

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Nay:

Representatives Drake, Hamilton, Layson, Morrison, Murphree, Payne and Smith.

- 7

And the bill:

H. 374. Relating to the issuance of a special events license to sell alcoholic beverages; amending Section 28-3A-20 of the Code of Alabama 1975, to remove the minimum advance application period.

was taken up.

#### **AMENDMENT OFFERED**

Representative Minnifield offered the following amendment to the bill, H. 374:

To amend H. 374 on page 1 lines 15 and 24 by deleting the word "remove" and inserting in lieu thereof the word "change".

Further amend the bill on page 2 by deleting lines 6 and 7 in their entirety and inserting in lieu thereof the following: "application made on a form provided by the board at least 25 days in advance of the event for which a license is granted,"

#### **AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 67; Nays 5.

Yea:

Representatives Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Clark (W), Clouse, Collins, Dolbare, Dukes, Galliher, Gipson, Graham, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrow, Morton, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Rogers (M), Sanderford, Sanderson, Spratt, Thomas (J), Townsend, Turner, Vance, Venable, Warren, White and Willis.

Nay:

Representatives Drake, Guin, Morrison, Murphree and Smith.

- 5

And the bill:

H. 374. Relating to the issuance of a special events license to sell alcoholic beverages; amending Section 28-3A-20 of the Code of Alabama 1975, to change the minimum advance application period.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 54; Nays 16.

Yea:

Representatives Allen, Baker, Black (L), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Dolbare, Dukes, Galliher, Gipson, Graham, Hall (A), Hall (L), Hammett, Haney, Hayden, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Laird, Maull, McAdory, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Penry, Rogers (J), Rogers (M), Sanderford, Sanderson, Spratt, Thomas (J), Turner, Vance, Venable, Warren and White.

-54

Nay:

Representatives Carns, Collins, Drake, Guin, Hamilton, Hawkins, Hogan, Layson, Morrison, Morrow, Morton, Murphree, Payne, Smith, Townsend and Willis.

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### **PERMISSION GRANTED**

Permission was granted for the Journal to reflect that Representative Crigler intended to vote "Nay" on adoption of the Budget Isolation Resolution, the amendment offered by Representative Minnifield and the passage of the bill, H. 374.

### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Townsend, the Budget Isolation Resolution relating to the bill, H. 47, was adopted.

Yeas 56; Nays 8.

Yea:

Representatives Allen, Black (M), Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Gaston, Gipson, Hall (A), Hammett, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Penry, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-56

Nay:

Representatives Gaines, Guin, Hayden, Minnifield, Moore, Morrison, Newton (D) and Payne.

- 8

And the bill:

H. 47. To amend Section 32-1-4 of the Code of Alabama 1975, relating to the circumstances where appearance before a magistrate is not required upon arrest for a traffic offense; to provide that a person arrested for a traffic violation punishable as a misdemeanor would be required to appear before a magistrate in certain cases where the person is not validly licensed or whose identity cannot be established by the arresting officer.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 15.

Yea:

Representatives Allen, Black (L), Black (M), Burke, Clark (W), Clouse, Collins, Crigler, Dolbare, Drake, Dukes, Flowers, Gaston, Gipson, Hall (A), Hammett, Haney, Hawkins, Hinshaw, Hogan, Houston, Jorgensen, Laird, Lindsey, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Penry, Robinson, Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

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Nay:

Representatives Gaines, Galliher, Graham, Guin, Hayden, Hill, Hilliard, Knight (A), Moore, Morrison, Newton (D), Payne, Rogers (J), Rogers (M) and Thomas (D).

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative McDaniel, the Budget Isolation Resolution relating to the bill, H. 388, was adopted.

Yeas 65; Nays 2.

Yea:

Representatives Allen, Baker, Black (M), Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McMillan, Millican, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-65

Nay:

Representatives Dean and Hill.

- 2

And the bill:

H. 388. To provide that on roads, streets, or highways with two or more lanes allowing for movement in the same direction, it is unlawful for any truck tractor with or without a trailer to operate in any lane other than the most right-hand lane, except when the truck tractor is preparing for a left turn or passing a vehicle; and to prescribe criminal penalties.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 4.

Yea:

Representatives Allen, Baker, Black (L), Black (M), Boyd, Carns, Carothers, Clouse, Curry, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, Maull, McAdory, McDaniel, McMillan, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Perdue, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representatives Dean, Hill, Millican and Payne.

- 4

### BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, H. 393, was adopted.

Yeas 79; Nays 0.

Yea:

Representatives Allen, Baker, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, Maull, McAdory, McDaniel, McMillan, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

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And the bill:

H. 393. (With Amendment): Authorizing the State Board of Health to develop a program relating to indoor lead hazard reduction, authorizing the establishment of certain fee schedules and the disposition of fees levied,



authorizing the State Health Officer to conduct certain investigations relating to lead hazard reduction and granting immunity from certain liability, requiring the certification of persons engaged in lead hazard removal activities and the regulation of such activity, designating Safe State as the state accreditation agency and specifying the powers and duties of Safe State, specifying criminal penalties for failure to be properly certified or to comply with certain lead hazard removal procedures, permitting state or local health officers to seek injunctive relief, creating and providing for a special fund and making an appropriation from the fund for fiscal years ending September 30, 1996 and September 30, 1997, and providing for a prospective effective date.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Health to the bill, H. 393, said committee amendment being as follows:

Amend H. 393 on Page 8, lines 8 and 9, by striking the words ~~or occupant, residential and commercial buildings~~ and inserting in lieu thereof the following: of commercial buildings, or upon the request of the owner or occupant of residential buildings.

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 83; Nays 0.

Yea:

Representatives Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, Maull, McAdory, McDaniel, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

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And the bill:

H. 393. Authorizing the State Board of Health to develop a program relating to indoor lead hazard reduction, authorizing the establishment of certain fee

schedules and the disposition of fees levied, authorizing the State Health Officer to conduct certain investigations relating to lead hazard reduction and granting immunity from certain liability, requiring the certification of persons engaged in lead hazard removal activities and the regulation of such activity, designating Safe State as the state accreditation agency and specifying the powers and duties of Safe State, specifying criminal penalties for failure to be properly certified or to comply with certain lead hazard removal procedures, permitting state or local health officers to seek injunctive relief, creating and providing for a special fund and making an appropriation from the fund for fiscal years ending September 30, 1996 and September 30, 1997, and providing for a prospective effective date.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 86; Nays 0.

Yea:

Representatives Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, Maull, McAdory, McDaniel, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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## RESOLUTIONS

The following resolutions were introduced:

By Representative Morrow:

H.J.R. 338. NAMING A PORTION OF U. S. HIGHWAY 43 THE A.W. TODD HIGHWAY.

The resolution, H.J.R. 338, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hall (L):

H.J.R. 339. COMMENDING OAKWOOD COLLEGE ON ITS 100TH ANNIVERSARY.

The resolution, H.J.R. 339, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Guin:

H.R. 340. COMMENDING FRANK L. KENDRICK ON THE OCCASION OF HIS 102ND BIRTHDAY.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Little:

S.J.R. 81. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY THE FEASIBILITY OF ESTABLISHING AND MAINTAINING A RURAL TRANSPORTATION SYSTEM.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Interim Legislative Committee to Study the Feasibility of Establishing and Maintaining a Rural Transportation System is created. The committee shall be composed of three members of each house, to be appointed by the presiding officer of each house. The Lieutenant Governor or the designee of the Lieutenant Governor shall serve as chair of the committee and the Speaker of the House of Representatives or the designee of the Speaker of the House of Representatives shall serve as vice chair of the committee.

The committee shall study methods of providing rural transportation to the citizens of this state, and in particular to the elderly and disadvantaged. The goals of the committee shall include all of the following:

1. Achieve the most cost-effective use of current federal, state, and local resources for specialized and rural transportation.
2. Encourage local governments to take a more active role in the management and coordination of programs supporting specialized and rural transportation.
3. Adopt administrative and management practices in the implementation of federal and state programs which encourage coordination among service providers and increase access to specialized and rural transportation.
4. Share technical resources and information with recipients of federal and state assistance and with transportation providers.
5. Encourage the most efficient system of providing service, including consideration of private sector providers and use of competitive bidding.

The Alabama Commission on Aging shall provide technical assistance and advise the committee. Upon request of the committee, other state agencies and entities, including, but not limited to, the Alabama Medicaid Agency, the Department of Human Resources, the Department of Transportation, the Alabama Kidney Foundation, the Department of Public Health, the Department of Mental Health and Mental Retardation, the Department of Rehabilitation Services, and the Office of the Governor shall provide technical assistance to the committee.

Upon the request of the chair, the Secretary of the Senate and the Clerk of the House shall provide necessary clerical assistance for the work of the committee. The committee shall report its findings, conclusions, and recommendations to the Legislature not later than the 5th legislative day of the 1997 Regular Session, whereupon, the committee shall stand dissolved and discharged of any further duties and liabilities. Each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. Notwithstanding the foregoing, no member shall receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed \$10,000.

McDOWELL LEE  
Secretary

#### SENATE MESSAGE

The resolution, S.J.R. 81, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Biddle:

**S.J.R. 79. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY THE DEVELOPMENT OF PROGRAMS TO ASSIST CITIZENS WHO SUFFER FROM DEMENTIA.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Interim Legislative Committee to Study Programs to Assist Citizens Who Suffer From Dementia is created. The committee shall be composed of three members of each house, to be appointed by the presiding officer of each house. The Lieutenant Governor or the designee of the Lieutenant Governor shall serve as chair of the committee and the Speaker of the House of Representatives or the designee of the Speaker of the House of Representatives shall serve as vice chair of the committee.

The committee shall study the necessity, feasibility, and cost of developing programs to assist citizens who suffer from dementia and related disorders. The committee shall also study the mission and the components of the programs.

The Alabama Commission on Aging shall provide technical assistance and advise the committee. Upon request of the committee, other state agencies shall provide technical assistance to the committee.

Upon the request of the chair, the Secretary of the Senate and the Clerk of the House shall provide necessary clerical assistance for the work of the committee. The committee shall report its findings, conclusions, and recommendations to the Legislature not later than the 5th legislative day of the 1997 Regular Session, whereupon, the committee shall stand dissolved and discharged of any further duties and liabilities. Each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. Notwithstanding the foregoing, no member shall receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed \$10,000.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The resolution, S.J.R. 79, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator McClain:

**S.J.R. 78. CREATING THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON THE RESTORATION AND REPAIR OF THE CABINS AND OTHER STRUCTURES BUILT BY THE CIVILIAN CONSERVATION CORPS DURING THE DEPRESSION.**

WHEREAS, a significant part of the history of the State of Alabama during the years of the Depression includes the operation of the Civilian Conservation Corps and federal programs for the preservation of the natural resources that provided employment, literacy, and vocational skills to thousands in this state; and

WHEREAS, from 1933 to 1939, more than one hundred cabins, lodges, and other structures were built throughout the state parks in Alabama by the members of the Civilian Conservation Corps, and many of the beautiful rustic cabins and buildings are still standing as a tribute to the blood, sweat, and sacrifice of those members, but many are in need of repair or restoration; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we do hereby establish the Joint Legislative Oversight Committee on the Restoration and Repair of the Cabins and Other Structures Built By the Civilian Conservation Corps, composed of the following membership: three members of the Alabama Senate appointed by the Lieutenant Governor and three members of the House of Representatives appointed by the Speaker of the House of Representatives; the Lieutenant Governor, or his or her designee; and the Speaker of the House, or his or her designee. The Lieutenant Governor, or his or her designee, shall be the chair of the committee and the Speaker of the House of Representatives, or his or her designee, shall be the vice chair. The committee shall meet at the call of the chair. A member of the committee who is a member of the Legislature shall serve only for the current term elected and the successor shall be appointed by the appointing authority. A majority of the membership of the committee shall constitute a quorum for conducting official business and the committee shall set its own rules of procedure.

RESOLVED FURTHER, That the committee shall perform the following functions:

1. Consult with the Director of the Historical Commission, the Director of the Department of Tourism and Travel, and the Director of the State Parks Division of the Department of Conservation and Natural Resources to determine the feasibility and the extent of the restoration or repair of the cabins and other structures erected by the members of the Civilian Conservation Corps in our state parks, including maintaining the historical integrity of the buildings and materials, and to determine the economic feasibility and the financial return on tourism and recreation in our state.
2. Determine the state agency, department, or division best suited to be the coordinator for the restoration and repair.
3. Review all existing and potential sources of funding.

BE IT FURTHER RESOLVED, That the committee shall make its report to the Legislature by the fifth legislative day of the 1997 Regular Session, and, from time to time, as may be necessary until its final report no later than the fifth legislative day of the 1998 Regular Session, at which time the committee shall be dissolved and discharged of any further duties.

RESOLVED FURTHER, That upon the request of the chair or vice chair, the Secretary of the Senate and the Clerk of the House, respectively, shall provide the clerical assistance necessary for the work of the committee. The state agencies referred to in this resolution are urged to cooperate and assist the committee in its fact-finding and evaluation. Each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. The funds expended by this resolution shall not exceed five thousand dollars (\$5,000) per fiscal year. Notwithstanding the foregoing, no member shall receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business.

McDOWELL LEE  
Secretary

#### SENATE MESSAGE

The resolution, S.J.R. 78, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**CERTIFICATE OF CLERK**

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 1:40 P.M. on April 3, 1996.

H. 501	H. 45
H. 502	H. 137
H. 566	H. 391
H. 579	H. 464
H. 580	

Delivered to the Secretary of State at 2:30 P.M. on April 3, 1996.

H. 609 (Constitution Amendment)

H. 193 (Constitution Amendment)

Delivered to the Governor at 4:22 P.M. on April 3, 1996.

H.J.R. 300	H.J.R. 280
H.J.R. 301	H.J.R. 281
H.J.R. 302	H.J.R. 284
H.J.R. 303	H.J.R. 293
H.J.R. 306	H.J.R. 296
H.J.R. 330	H.J.R. 297
H.J.R. 331	H.J.R. 298
H.J.R. 333	H.J.R. 299
H.J.R. 334	

GREG PAPPAS  
Clerk

**ADJOURNMENT**

On motion of Representative Newton (D), the House adjourned until 9:00 o'clock a.m., Thursday, April 4, 1996.



**REGULAR SESSION  
17th Day**

1701

**SEVENTEENTH DAY**

**House of Representatives  
Montgomery, Alabama  
Thursday, April 4, 1996**

The House met pursuant to adjournment.

**PRAYER**

The session was opened with prayer by Elder Hattie D. Loving, CME Church, Bessemer, Alabama.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Jake McMillan, 9th Grade, St James School, Montgomery, Alabama, and Michael Weaver, 7th Grade, T.R. Miller School, Brewton, Alabama.

**ROLL CALL**

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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A quorum was present.

**REPORT OF STANDING COMMITTEE ON RULES**

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the sixteenth legislative day and finds the same to be correct.

TOMMY CARTER  
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the sixteenth legislative day was dispensed with.

**MOTION TO RECESS ADOPTED**

The motion offered by Representative Hammett that the House recess from 12:00 o'clock Noon until 1:15 o'clock p.m. was adopted.

**MOTION TO ADJOURN ADOPTED**

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 1:00 o'clock p.m. on Tuesday, April 9, 1996, and the motion was adopted.

**BILLS ON SECOND READING**

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 810. To amend Section 16-36-29.1 of the Code of Alabama 1975, to provide for the purchase of equipment or electrical equipment by schools or teachers with funds allocated by the local board of education.

H. 631. Relating to education; providing for sign language as a credited foreign language.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 771. (With Amendment): To amend Section 16-24-12, Code of Alabama 1975, relating to the notice given teachers employed for a succeeding year, to require the superintendent to notify any teacher of nonrenewal upon the rejection of the board or the recommendation of the superintendent to reemploy a teacher not on continuing service status or upon the superintendent declining to make any recommendation regarding reemployment and the board determining to reemploy.

Representative Carns, Chairperson of the Standing Committee on Industrial Development and Economic Growth, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 788. To amend Section 6 of Act No. 95-564, H. 539, 1995 Regular Session, to clarify and confirm the ability of a foreign corporation doing business in Alabama to petition the Alabama Department of Revenue to utilize any other method which effectuates an equitable apportionment of the actual amount of capital employed in this state by the foreign corporation; and to provide for a retroactive effective date.

H. 791. To permit the sampling of beer in certain closed function, industry-related trade expositions, and to allow limited sampling of beer at such functions.

H. 839. To amend Section 40-9B-3 of the Code of Alabama 1975, relating to the Tax Incentive Reform Act of 1992; to expand the industrial or research enterprise categories to include refined petroleum pipelines which may qualify for tax abatements.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 722. Relating to Etowah County; providing further for the amount of sales and use tax levied on certain equipment and motor vehicles; and providing for a retroactive effect.

H. 763. Relating to Etowah County; amending Act No. 80-442 of the 1980 Regular Session (Acts 1980, p. 674), providing for the board of trustees of the policemen's and firemen's retirement funds for the City of Gadsden.

H. 764. Relating to St. Clair County; providing for an additional expense allowance and salary for the sheriff.

H. 808. Relating to Wilcox County; proposing an amendment to the Constitution of Alabama of 1901; to levy an additional 15-mill ad valorem tax.

The above bill was read a second time at length as required by the Constitution.

H. 774. To alter or rearrange the boundary lines of the municipality of Spanish Fort, so as to include within the corporate limits of the municipal territory certain lands not already included therein; and to exempt for a period of twenty-five (25) years, the improvements and the signage presently on the property from any changes subsequently enacted by the City of Spanish Fort to the Building Codes ordinances and regulations, the signage codes, ordinances and regulations, electrical codes, or ordinances and regulations, mechanical codes, ordinances and regulations, and plumbing codes, ordinances and regulations, subject to certain specified conditions and limitations.

H. 794. Relating to Baldwin County; prohibiting certain types of entertainment, attire, and conduct, having certain nudity, or sexual conduct, or the depiction or simulation thereof, upon the premises of an establishment within the unincorporated areas of Baldwin County, Alabama, which is licensed to sell, serve, or dispense alcoholic beverages or otherwise allow the consumption of alcoholic beverages on the premises.

H. 838. Relating to Dallas County; authorizing the county commission to levy an additional sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; and prescribing penalties and fixing punishment for violation of this act.

H. 709. Relating to Houston County; assessing an additional fee for any criminal or misdemeanor case proceeding in circuit, district, or juvenile court; providing for the collecting and disbursing of such funds; and prescribing that the revenue collected pursuant to the provisions of this act shall be paid into the county treasury to be expended by the county for juvenile related purposes.

H. 700. To propose an amendment to the Constitution of Alabama of 1901, to authorize the Legislature to fix, regulate, and alter the costs and charges of court in Houston County.

The above bill was read a second time at length as required by the Constitution.

H. 773. Relating to Coffee County; to provide that jury venires shall be selected from the county-at-large; and to provide that no person shall serve on more than one jury venire at a time.

### INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

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By Representative Dolbare (With Notice and Proof):

H. 851. Relating to Clarke County; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant power and authority to the Clarke County Health Department to enforce littering laws in Clarke County; and to prescribe fines for violations.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 851, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Clouse (With Notice and Proof):

H. 852. Relating to Dale County; to amend Act No. 86-379, H. 578, 1986 Regular Session (Acts 1986, p. 565), authorizing and providing for the establishment, maintenance, operation, and financing of a public law library in the county; to increase the fee and further provide for the use of the funds.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 852, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Crigler:

H. 853. To make it unlawful for an animal or a child to ride in the bed of a pickup truck; to provide certain exemptions; to prescribe a penalty for violation of this act; and to provide for a phased in implementation of this act.

COMMITTEE ON HIGHWAY SAFETY

By Representative Smith (With Notice and Proof):

H. 854. Relating to Chilton County; providing for additional costs and charges in all circuit and district court cases, excluding the small claims division and domestic relations division; providing for a monthly supervision fee in juvenile cases; providing for the establishment of a Juvenile Court Services Fund and a Judicial Administration Fund in the county; and providing for the distribution of the funds.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 854, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Page, Carothers, Johnson (R), Hill, Robinson, Hall (A), Murphree, Lindsey, Black (M), Hinshaw, McDaniel, Galliher, Millican, Gipson, and Ford:

H. 855. To provide for the offense of filing a false official complaint against a law enforcement officer; to provide penalties; and to provide that any civil remedy or right which a law enforcement officer may have against a person filing a false official complaint would be preserved.

COMMITTEE ON JUDICIARY

By Representative Thomas (D):

H. 856. To amend Section 17-1-7, Code of Alabama 1975; to provide that a public employee may take an unpaid leave of absence from public employment while he or she is a candidate for public office.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Galliher:

H. 857. To create Alabama, Inc., a state-sponsored venture capital company; to provide that the financing necessary to issue the stock and the loans made by Alabama, Inc., to private businesses would be backed by the Heritage Trust Fund; to authorize Alabama, Inc., to issue stocks and bonds and invest the proceeds of the sales; to authorize Alabama, Inc., to invest equity in and make business loans to certain private businesses within the state in need of operating capital; to provide that the state shall not be liable to any investor in Alabama, Inc.; to provide that Alabama, Inc., shall carry insurance to protect against loss and the insurance premiums shall be paid by the state; and to provide for the management of Alabama, Inc., and the powers of the board of directors.

COMMITTEE ON BUSINESS AND LABOR

By Representative Galliher:

H. 858. To propose an amendment to the Constitution of Alabama of 1901, authorizing legislation to allow the full faith and credit of the Heritage Trust Fund to finance the issuance of stocks and bonds in a state-sponsored venture capital company to enable the venture capital company to invest in and make loans to private businesses; and to allow the full faith and credit of the Heritage Trust Fund to guarantee the loans granted by a state-sponsored venture capital company.

COMMITTEE ON BUSINESS AND LABOR

The above bill was read a first time at length as required by the Constitution.

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By Representatives Box, Carothers, Knight (J), McAdory, Page, Venable, Collins, Parker (T), Starkey, Hamilton, Reed, White, Spratt, Black (M), Lindsey, Guin, Murphree, Morrison, Parker (P), Hall (L), Galliher, Graham, Hawk, McDaniel, Perdue, Hammett, Hinshaw, Gipson, Johnson (E), Houston, Burke, Ford, Newton (D), Fuller, Millican, Warren, Black (L), Dolbare, Johnson (R), Buskey, Bandy, Mitchell, Hayden, Jackson, Maull, Boyd, McClammy, Willis, Vance, Hogan, Minnifield, Dukes, Rogers (J), and Carter:

H. 859. To provide for the election of certain circuit judgeships.

**COMMITTEE ON CONSTITUTION AND ELECTIONS**

By Representative Carns:

H. 860. To provide a refund of sales taxes paid on certain tangible property purchased in the state for export to a foreign country.

**COMMITTEE ON INDUSTRIAL DEVELOPMENT  
AND ECONOMIC GROWTH**

By Representatives Gaines, Moore, Layson, Hooper, Carter, Morrison, Smith, Jorgensen, Dukes, McDaniel, Allen, Curry, Knight (A), Sanderson, Hawkins, Carns, Townsend, Thomas (D), Morton, Sanderford, Haney, Papucci, Rogers (M), Hinshaw, Gaston, Dean, Crigler, Pringle, Penry, McMillan, Carothers, Laird, Sims, Willis, Wren, McKee, Vance, Hammett, Clark (J), Turner, Newton (C), Collins, Burke, Murphree, Petelos, Johnson (E), Black (M), Flowers, Lindsey, and Johnson (R):

H. 861. To amend Sections 13A-1-2, 13A-5-1, 13A-5-2, 13A-5-3, 13A-5-4, 13A-5-6, 13A-5-11, 13A-5-13, 15-18-1, 15-18-8, 15-22-50, 15-22-54, 15-22-56, 13A-4-1, 13A-4-2, 13A-4-3, 13A-7-6, 13A-8-102, 13A-10-31, 13A-10-32, 13A-10-33, 13A-10-39, 13A-10-40, 13A-10-43, 13A-10-44, 13A-11-72, 13A-11-81, 13A-11-84, 15-23-18, 20-2-190, 22-12C-7, and 36-18-35, Code of Alabama 1975, to provide for determinate sentencing and punishment in certain noncapital felony criminal cases; to provide for certain felony offenses and the classification of felony offenses; to abolish parole and incentive good time; and to repeal and substitute Section 13A-5-9 of the Code of Alabama 1975, to further provide for the sentencing of felony offenders who have prior felony offenses; to repeal Section 13A-12-250 of the Code of Alabama 1975, relating to imposition of an additional penalty for any person convicted of the unlawful sale or use of or a controlled substance on or near a school campus; to repeal Section 13A-12-270 of the Code of Alabama 1975, relating to imposition of an additional penalty for any person convicted of the unlawful sale or use of a controlled substance within a three-mile radius of a public housing project; to repeal Section 14-9-3 of the Code of Alabama 1975, relating to the deduction of 30 days from the sentence of an inmate who donates blood; to repeal Sections 14-9-40, 14-9-41, 14-9-42, 14-9-43, 14-9-44, and 15-18-9 of the Code of Alabama 1975, relating to incentive good time.

**COMMITTEE ON JUDICIARY**

By Representatives Ford, Galliher, Perdue, Page, Dolbare, Hawk, Melton, Hall (A), Willis, Drake, Warren, Baker, Parker (P), Thomas (J), Hilliard, Petelos, Rogers (J), Millican, Black (L), Murphree, Hinshaw, Black (M), McAdory, Spratt, Hall (L), Holmes, and Buskey:

H. 862. Prohibiting state agencies from granting financial assistance to employers who solicit or advertise for permanent or temporary replacement employees during a labor dispute.

#### COMMITTEE ON BUSINESS AND LABOR

By Representative Fuller:

H. 863. To amend Sections 26-19-1, 26-19-2, 26-19-3, and 26-19-4 of the Code of Alabama 1975, relating to the Missing Children Bureau; to change the name of the Missing Children Bureau to the Missing and Exploited Children Bureau; and to provide that the bureau would act as a liaison for persons and cases involving exploited children in the same manner as missing children.

#### COMMITTEE ON WAYS AND MEANS

By Representatives Turnham, Venable, McMillan, White, Turner, Rogers (J), Carter, Hooper, Dean, Gaston, Hammett, Penry, Vance, Flowers, Starkey, Burke, Johnson (E), Murphree, Guin, McDaniel, Sanderford, Dukes, Graham, Smith, Rogers (M), Gipson, Morton, Curry, Hill, Thomas (D), Knight (A), Haney, Allen, Hinshaw, Carns, Hawkins, Fuller, Buskey, Wren, Johnson (R), Carothers, Millican, Laird, Maul, Dolbare, Jackson, Hogan, McKee, Clouse, Crigler, Sims, Seibenhener, Hamilton, Collins, Ford, Sanderson, Layson, Townsend, Clark (J), and Warren:

H. 864. To prohibit the use of public funds or facilities by a college or university to violate, solicit, conspire, attempt, aid and abet the violation of any criminal law of the State of Alabama, or advocate action directed to inciting or producing, and which is likely to incite or produce, imminent violation of any criminal law of the State of Alabama; to forbid any person who receives public funds or uses public facilities at any college or university from using those funds or facilities to violate or solicit, conspire with, attempt with, or aid and abet another person to violate any criminal law of the State of Alabama, or direct advocacy to incite or produce, and which is likely to incite or produce, imminent violation of any criminal law of the State of Alabama; to permit the Attorney General or the district attorney to obtain injunctive relief and the provisions therefor; to provide for the construction of the act; and to repeal Section 16-1-28, Code of Alabama 1975, relating to sexual misconduct laws.

#### COMMITTEE ON JUDICIARY



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By Representatives Laird, Clark (J), Fuller, Hammett, and Carter:

H. 865. To amend Sections 40-23-1, 40-23-2, 40-23-60 and 40-23-61, Code of Alabama 1975, to specifically include canned computer software into the definitions of "sales" and "purchase"; to define canned computer software to make it subject to sales tax and use tax; to increase the state sales and use tax general rates to four and one-quarter percent on January 1, 1997, to four and one-half percent on January 1, 1998, to four and three-quarters percent on January 1, 1999 and to five percent on January 1, 2000; to phase out the state sales and use taxes on food by reducing the rates by one percentage point per year beginning January 1, 1997; to exempt sales of food from the sales and use taxes beginning January 1, 2000; and to allow counties and cities the option of continuing to impose sales and use taxes on food or increasing their general tax rates by up to one percent.

**COMMITTEE ON WAYS AND MEANS**

By Representative Newton (C):

H. 866. To amend Section 40-6A-2, Code of Alabama 1975, which is related to the compensation of tax assessors, tax collectors, revenue commissioners, license commissioners, or other persons charged with assessing and collecting ad valorem taxes in the various counties of this state, so as to increase certain minimum salaries provided in the section by \$5,000; and to provide an effective date at the beginning of the official's next term of office.

**COMMITTEE ON LOCAL GOVERNMENT**

By Representative McMillan:

H. 867. Relating to county boards of education; to amend Section 16-8-39 of the Code of Alabama 1975, to provide for the keeping of financial records in the manner approved by the State Superintendent of Education and for the annual audit of county boards of education; and to amend Section 41-5-14 of the Code of Alabama 1975, relating to the Examiners of Public Accounts and the auditing of governmental units, to exempt county boards of education from the requirement that they be audited by the Examiners of Public Accounts.

**COMMITTEE ON STATE ADMINISTRATION**

By Representative Perdue:

H. 868. To amend Section 34-31-28 of the Code of Alabama 1975, relating to examination of prospective certified heating and air conditioning contractors; to provide further for the exemption of certain specified contractors from examination.

**COMMITTEE ON STATE ADMINISTRATION**

By Representative Minnifield:

H. 869. To amend Sections 34-22-1, 34-22-4, and 34-22-20, Code of Alabama 1975; to further define the practice of optometry; and to provide additional requirements for licensure.

#### COMMITTEE ON HEALTH

By Representatives Box and Morrison:

H. 870. To amend Sections 34-37-1, 34-37-2, 34-37-6, 34-37-8 and 34-37-17, Code of Alabama 1975, relating to the Plumbers and Gas Fitters Examining Board, to provide for certification of medical gas piping fitters; and to provide for penalties.

#### COMMITTEE ON STATE ADMINISTRATION

By Representatives Rogers (J), Hawkins, Carns, Perdue, Sanderson, McAdory, Houston, Payne, Newton (D), Townsend, Minnifield, Johnson (E), Spratt, Hilliard, Curry, Morton, Hill, Knight (A), and Thomas (D):

H. 871. To name the arena located on the campus of the University of Alabama at Birmingham.

#### COMMITTEE ON STATE ADMINISTRATION

### BILLS ON THIRD READING

#### BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Black (L), the Budget Isolation Resolution relating to the bill, H. 752, was adopted.

Yeas 35; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Carns, Carothers, Carter, Clouse, Dolbare, Gaines, Guin, Hawkins, Hayden, Hill, Hogan, Jackson, Knight (A), Laird, Lindsey, McClammy, Moore, Murphree, Newton (D), Parker (P), Payne, Perdue, Seibenhener, Sims, Thomas (D), Townsend, Turner, Warren, White and Willis.

**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 752. To propose an amendment to the Constitution of Alabama of 1901, relating to Marengo County, to place the judge of probate of the county on a salary basis and to provide that the fees of the judge of probate would be placed in the county treasury.

was taken up.

**AMENDMENT OFFERED**

Representative Black (L) offered the following amendment to the bill, H. 752:

Amend H. 752 on Page 1, line 23, after the word "treasury" by adding the following: effective January 1 after its approval

Further amend H. 752 on Page 2, line 25, by adding a new subsection as follows:

(d) This amendment shall be effective January 1 after its approval.

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 63; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dolbare, Drake, Ford, Gaines, Gipson, Guin, Hall (L), Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, Mitchell, Moore, Morton, Murphree, Newton (D), Papucci, Parker (P), Payne, Perdue, Petelos, Rogers (J), Rogers (M), Seibenhener, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Warren and Willis.

And the bill:

H. 752. To propose an amendment to the Constitution of Alabama of 1901, relating to Marengo County, to place the judge of probate of the county on a salary basis and to provide that the fees of the judge of probate would be placed in the county treasury effective January 1 after its approval.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dolbare, Drake, Dukes, Ford, Gaines, Gipson, Guin, Hall (L), Hawk, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, Melton, Millican, Moore, Morrison, Morton, Murphree, Newton (D), Parker (P), Payne, Penry, Perdue, Petelos, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, Willis and Wren.

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#### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Baker, the Budget Isolation Resolution relating to the bill, H. 772, was adopted.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Gaines, Gaston, Gipson, Guin, Hall (L), Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, Moore, Murphree, Newton (D), Parker (P), Payne, Penry, Perdue, Petelos, Rogers (J), Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance and Willis.

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And the bill:

H. 772. Relating to Henry County; authorizing the sheriff to operate a jail concession for county prisoners and state prisoners in county custody; and providing for the deposit, distribution, and auditing of monies earned.

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was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carter, Clouse, Collins, Curry, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hall (L), Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, Mitchell, Moore, Morton, Murphree, Parker (P), Payne, Perdue, Petelos, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, White and Willis.

-60

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Lindsey, the Budget Isolation Resolution relating to the bill, H. 831, was adopted.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Carter, Clouse, Collins, Curry, Dolbare, Drake, Dukes, Ford, Gaines, Gipson, Guin, Hall (L), Hawk, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, Millican, Minnifield, Moore, Morton, Murphree, Newton (D), Parker (P), Penry, Perdue, Petelos, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Turner, Vance, Warren and Willis.

-59

And the bill:

H. 831. Proposing an amendment to the Constitution of Alabama of 1901, relating to Cherokee County, authorizing the Cherokee County Commission to levy an additional ad valorem tax for fire protection and rescue services; and to repeal Act 96-194, H. 230 of the 1996 Regular Session.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Gipson, Guin, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree, Newton (D), Page, Payne, Penry, Perdue, Petelos, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Vance, Warren and Willis.

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#### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Buskey, the Budget Isolation Resolution relating to the bill, S. 39, was adopted.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Drake, Gaines, Gaston, Gipson, Guin, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, Millican, Moore, Morrow, Morton, Page, Parker (P), Payne, Penry, Perdue, Petelos, Rogers (M), Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Warren and Willis.

-59

And the bill:

S. 39. To provide that the city council or governing body of a Class 2 municipality shall meet not less than 48 times per year.

was read a third time at length and passed.

Yeas 56; Nays 0.

Yea:

Representatives Allen, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Curry, Dean, Dolbare, Drake, Flowers,

Gaines, Gaston, Gipson, Guin, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Houston, Jackson, Johnson (R), Kennedy, Knight (A), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Morton, Murphree, Papucci, Parker (P), Payne, Perdue, Petelos, Rogers (M), Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance and Warren.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Buskey, the Budget Isolation Resolution relating to the bill, S. 40, was adopted.

Yeas 58; Nays 0.

Yea:

Representatives Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Flowers, Gaines, Gaston, Gipson, Guin, Hawkins, Hayden, Hill, Hilliard, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McClammy, Millican, Mitchell, Moore, Morton, Murphree, Parker (P), Payne, Perdue, Petelos, Rogers (J), Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren and Willis.

-58

And the bill:

S. 40. Relating to the City of Prichard; providing that the Prichard City Council shall meet not less than 48 times per year.

was read a third time at length and passed.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Flowers, Gaines, Gaston, Gipson, Guin, Hall (L), Hawkins, Hayden, Hill, Hilliard, Hogan, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McClammy, Millican, Moore, Morton, Murphree, Papucci, Parker (P), Payne, Perdue, Petelos, Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Warren and Willis.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Pringle, the Budget Isolation Resolution relating to the bill, H. 614, was adopted.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Gaines, Gaston, Gipson, Guin, Hall (L), Hawkins, Hill, Hilliard, Hogan, Houston, Johnson (E), Johnson (R), Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, Millican, Moore, Murphree, Papucci, Parker (P), Payne, Perdue, Petelos, Robinson, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Warren and Willis.

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And the bill:

H. 614. To amend Section 43-2-42 of the Code of Alabama 1975, relating to appointment of the administrator of the estate of a person dying intestate; to provide further for the order of appointment of the general administrator in counties having an elected general administrator.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Gaines, Gaston, Guin, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (E), Johnson (R), Kennedy, Laird, Layson, Lindsey, Maull, McClammy, Millican, Mitchell, Moore, Morton, Murphree, Papucci, Parker (P), Petelos, Pringle, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Vance, Warren and Willis.

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**BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER**

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 767, were temporarily carried over at the request of Representative Turnham.



**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, H. 754, was adopted.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Boyd, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Gipson, Guin, Hall (L), Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (R), Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, Millican, Moore, Morton, Murphree, Papucci, Parker (P), Payne, Petelos, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren and Willis.

-56

And the bill:

H. 754. To propose an amendment to the Constitution of Alabama of 1901, relating to the establishment of districts for fire protection in Talladega County and providing for mandatory dues to support the districts.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Gipson, Guin, Hall (L), Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, Millican, Moore, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White and Willis.

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**RESOLUTION**

The following resolution was introduced:

By Rules Committee:

H.R. 341. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the Seventeenth legislative day, Thursday, April 4, 1996, taking precedence over the regular order of business or any pending or unfinished business:

And the Following bills:

Inst Id	Page
H. 785 (By Venable)	154
Education, st. bd. of, membs., concurrent election provided, Sec. 16-3-1 am'd.	
S. 300 (By Lindsey)	130
Supernumeraries, phased out, auth. to participate in Employees' Retirement System, const. amend.	
H. 347 (By Rogers J)	45
Alcoholic beverages, cider, sale of, reg., taxed, Secs. 28-3-1, 28-7-16 am'd.	
H. 112 (By Newton D)	76
Tobacco and tobacco products, sales of to minors, ABC Bd. to be responsible for enforcing st. and fed. laws re and auth. to promulgate rules and regs., permits for tobacco distribution, penalties	
S. 182 (By Ghee)	127
Driving Under the Influence, weight of alcohol in blood, reduced, penalty for minor under cert. age, Sec. 32-5A-191 am'd. Act 784 of 1995 R.S. am'd	
S. 208 (By Freeman)	127
Driving Under Influence, school bus, day care, and public transportation driver, prohib. from driving with a cert. blood alcohol limit, Sec. 32-5A-191 am'd.	

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S. 276 (By Denton) 129

Commercial vehicles, driving under the influence, law enforcement officers, auth. to administer tests for alcoholic beverages or drugs, Sec. 32-6-13 am'd.

S. 243 (By Bedford) 128

Driver's licenses, suspension by Public Safety Dept., for cert. alcohol related actions, procedure, hearing, appeal process

H. 612 (By Perdue) 114

Gaines, Freddie Lee, relief act, approp.

H. 639 (By Kennedy) 88

State docks, auth. to estab. safety program for employees

H. 532 (By Turner) 69

State employees, cost-of-living incr.

H. 783 (By Venable) 157

Sunset Act, Secs. 41-20-1 to 41-20-12, inclusive, and Secs. 41-20-14 to 41-20-16, inclusive, repealed

H. 805 (By Carns) 149

Business Helper Office estab. within Alabama Development Office, hotline estab.

H. 803 (By Hill) 163

Banks and banking, linked deposits, business operations loans, term of repayment incr., Sec. 5-21-5 am'd.

H. 830 (By Pringle) 150

Revenue Dept., prescribe uniform sales and use tax business forms to administer and collect sales and use taxes by the st. and all co. and mun. gov. bodies

H. 726 (By Gaines) 104

Employers, liability re information on job performance of employee, exemptions

H. 178 (By Boyd) 18

Education, support personnel, personal leave days, Sec. 16-8-26 am'd., Sec. 16-8-26.1 repealed

H. 192 (By Boyd) 62

YMCA Youth Government programs, elective course credit for high school students, local bds. of ed. may provide, min. standard set by St. Bd. of Ed.

H. 232 (By Turner) 64

Waterworks systems, of muns. or cert. corporations, duplicating service or acquiring prohib., Sec. 11-50-1.1 am'd.

H. 463 (By Knight J) 78

State contracts, prompt payment for subcontractors provided, Sec. 41-16-3 am'd.

On motion of Representative Carter, the resolution, H.R. 341, was adopted.

#### **REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 374. Relating to the issuance of a special events license to sell alcoholic beverages; amending Section 28-3A-20 of the Code of Alabama 1975, to change the minimum advance application period.

TOMMY CARTER  
Chairman

And the bill, H. 374, as engrossed, was ordered sent to the Senate.

#### **REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 393. Authorizing the State Board of Health to develop a program relating to indoor lead hazard reduction, authorizing the establishment of certain fee schedules and the disposition of fees levied, authorizing the State Health Officer to conduct certain investigations relating to lead hazard reduction and granting immunity from certain liability, requiring the certification of persons engaged in lead hazard removal activities and the regulation of such activity, designating Safe State as the state accreditation agency and specifying the powers and duties of Safe State, specifying criminal penalties for failure to be properly certified or to comply with certain lead hazard removal procedures, permitting state or local health officers to seek injunctive relief, creating and providing for a special fund and making an appropriation from the fund for fiscal years ending September 30, 1996 and September 30, 1997, and providing for a prospective effective date.

TOMMY CARTER  
Chairman

And the bill, H. 393, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 453. To amend §16-1-18.1, Code of Alabama 1975, relating to sick leave accumulation for certain public education employees so as to establish further provisions relating to sick leave; to establish that an employee shall earn one sick leave day per month of contractual employment; to establish definitions; to establish on-the-job injury regulations; to provide for policies by certain education institutions; to repeal §16-1-18, Code of Alabama 1975, relating to sick leave for support personnel and to incorporate such provisions into this act; to repeal §21-1-21, Code of Alabama 1975, relating to sick leave for employees at the Alabama Institute for Deaf and Blind and to incorporate its provisions into this act; to repeal §16-12-21 and §16-8-25, Code of Alabama 1975, relating to vacations and leaves of absences and to incorporate the provisions into §16-1-18.1, Code of Alabama 1975; and to establish an effective date.

TOMMY CARTER  
Chairman

And the bill, H. 453, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 56. To provide that certain county commissions may collect or contract for the collection of local taxes that are authorized to be levied by a general or local act.

TOMMY CARTER  
Chairman

And the bill, H. 56, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 390. To provide distinctive motor vehicle license tags or plates for supporters of the Old Cahawba Capitol Site; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

TOMMY CARTER  
Chairman

And the bill, H. 390, as engrossed, was ordered sent to the Senate.

**SPECIAL ORDER CALENDAR**

The House then proceeded with the consideration of the Special Order Calendar.

**BUDGET ISOLATION RESOLUTION OFFERED**

Representative Venable offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 785.

**BUDGET ISOLATION RESOLUTION CARRIED OVER**

On motion of Representative Knight (J), the bill, H. 785, and the pending Budget Isolation Resolution were carried over to the twenty-second legislative day.

Yeas 46; Nays 34.

Yea:

Representatives Baker, Bandy, Black (L), Boyd, Buskey, Carns, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Gaines, Gaston, Haney, Hawkins, Hayden, Hill, Hooper, Houston, Jackson, Knight (A), Knight (J), Maull, McAdory, McKee, McMillan, Mitchell, Moore, Morton, Papucci, Payne, Perdue, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Thomas (D), Townsend, Turner and Wren.

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Nay:

Mr. Speaker, Black (M), Box, Carothers, Collins, Drake, Dukes, Ford, Gipson, Guin, Hall (A), Hamilton, Hammett, Hawk, Hinshaw, Hogan, Johnson (R), Laird, Layson, Millican, Morrison, Morrow, Murphree, Newton (C), Page, Parker (T), Penry, Robinson, Smith, Starkey, Thomas (J), Vance, Venable and Warren.

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**BUDGET ISOLATION RESOLUTION OFFERED**

Representative Turner offered the motion to adopt the Budget Isolation Resolution relating to the bill, S. 300.

**MOTION TO CARRY OVER TABLED**

On motion of Representative Turner, the motion offered by Representative Willis to carry over the bill, S. 300, and the pending Budget Isolation Resolution to the eighteenth legislative day was tabled.

Yeas 44; Nays 35.

Yea:

Mr. Speaker, Black (M), Burke, Buskey, Carothers, Carter, Clark (W), Crigler, Dolbare, Drake, Flowers, Ford, Graham, Guin, Hall (A), Hayden, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Lindsey, Maull, McAdory, McMillan, Melton, Mitchell, Murphree, Newton (D), Papucci, Parker (P), Penry, Reed,

Robinson, Rogers (J), Sanderson, Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Warren and White.

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Nay:

Representatives Baker, Black (L), Carns, Clouse, Curry, Dukes, Fuller, Gaines, Galliher, Gaston, Hammett, Haney, Hawk, Hawkins, Hill, Hogan, Johnson (R), McDaniel, McKee, Millican, Moore, Morton, Newton (C), Parker (T), Payne, Pringle, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Thomas (D), Townsend, Willis and Wren.

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### **BUDGET ISOLATION RESOLUTION ADOPTED**

The question was then on the motion offered by Representative Turner to adopt the Budget Isolation Resolution relating to the bill, S. 300, and the Budget Isolation Resolution was adopted.

Yeas 53; Nays 33.

Yea:

Mr. Speaker, Black (L), Black (M), Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Collins, Crigler, Dolbare, Drake, Dukes, Flowers, Ford, Guin, Hall (A), Hammett, Hawk, Hayden, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Kennedy, Knight (J), Lindsey, Maul, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Murphree, Newton (D), Papucci, Penry, Perdue, Reed, Robinson, Rogers (J), Sanderson, Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Warren and White.

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Nay:

Representatives Baker, Carns, Clouse, Curry, Dean, Fuller, Gaines, Galliher, Gaston, Hamilton, Haney, Hawkins, Hill, Hooper, Johnson (R), Laird, McKee, Millican, Moore, Morton, Parker (T), Payne, Pringle, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Thomas (D), Townsend, Venable, Willis and Wren.

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And the bill:

S. 300. Proposing an amendment to the Constitution of Alabama of 1901, to phase out existing supernumerary programs and provide that public officials may participate in the Employees' Retirement System of Alabama.

was taken up.



**AMENDMENT OFFERED**

Representative Clouse offered the following amendment to the bill, S. 300:

On page 1, line 33, after the word "office" insert the following language:  
, except members of the Legislature,

**AMENDMENT TABLED**

On motion of Representative Turner, the amendment offered by Representative Clouse to the bill, S. 300, was tabled.

Yeas 43; Nays 40.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Drake, Dukes, Flowers, Ford, Hall (A), Hawk, Hayden, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, Newton (D), Page, Papucci, Penry, Pringle, Reed, Robinson, Rogers (J), Spratt, Starkey, Thomas (J), Turner, Turnham, Vance and White.

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Nay:

Representatives Baker, Carns, Clouse, Collins, Crigler, Curry, Dean, Fuller, Gaines, Gaston, Gipson, Guin, Hamilton, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Johnson (R), Knight (A), McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morton, Newton (C), Parker (T), Payne, Rogers (M), Seibenhener, Sims, Smith, Thomas (D), Townsend, Venable, Willis and Wren.

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And the bill, S. 300, was read a third time at length and lost.

Yeas 42; Nays 47.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Dolbare, Drake, Dukes, Flowers, Ford, Hall (A), Hawk, Hayden, Hilliard, Houston, Jackson, Johnson (E), Knight (J), Maull, McAdory, McClammy, McDaniel, Melton, Minnifield, Newton (D), Page, Penry, Perdue, Reed, Robinson, Rogers (J), Spratt, Starkey, Thomas (J), Turner, Turnham and White.

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Nay:

Representatives Carns, Clouse, Collins, Curry, Dean, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Knight (A), Layson, McKee, McMillan, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Venable, Warren, Willis and Wren.

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### PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Allen intended to vote "Nay" on the vote by which the bill, S. 300, was lost.

### BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Rogers (J), the Budget Isolation Resolution relating to the bill, H. 347, was adopted.

Yeas 46; Nays 29.

Yea:

Mr. Speaker, Bandy, Black (M), Box, Boyd, Buskey, Clark (W), Dean, Dolbare, Ford, Gaines, Galliher, Guin, Hall (A), Hall (L), Haney, Hawk, Hayden, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, Melton, Morrow, Murphree, Newton (D), Papucci, Perdue, Robinson, Rogers (J), Sanderford, Seibenhener, Spratt, Thomas (J), Turner, Venable, Warren and White.

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Nay:

Representatives Allen, Carns, Carothers, Clouse, Collins, Crigler, Curry, Drake, Dukes, Fuller, Hawkins, Hill, Johnson (R), Jorgensen, Laird, Layson, McDaniel, Millican, Mitchell, Morton, Page, Parker (T), Payne, Smith, Thomas (D), Townsend, Turnham, Willis and Wren.

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And the bill:

H. 347. (With Amendment): To amend Sections 28-3-1 and 28-7-16, Code of Alabama 1975, relating to alcoholic beverages, to define and levy a tax on cider.

was taken up.

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The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means to the bill, H. 347, said committee amendment being as follows:

Amend H. 347 on page 2, line 5 by striking through the existing language as follows: "as".

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 51; Nays 18.

Yea:

Mr. Speaker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carter, Clark (W), Dean, Ford, Fuller, Gaines, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawk, Hilliard, Hinshaw, Houston, Johnson (E), Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McKee, Melton, Morrow, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Reed, Robinson, Rogers (J), Sanderson, Spratt, Starkey, Thomas (J), Townsend, Turner, Venable and Warren.

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Nay:

Representatives Carns, Clouse, Crigler, Drake, Dukes, Hawkins, Hill, Hogan, Jorgensen, Laird, McDaniel, Morrison, Rogers (M), Sanderford, Smith, Thomas (D), Willis and Wren.

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**AMENDMENT OFFERED**

Representative Carothers offered the following amendment to the bill, H. 347, as amended:

Amend H. 347 on Page 10, line 24, after the word "to" by striking the number 30 and inserting in lieu thereof the number 40

Further amend the bill on page 12, line 1, after the word "to" by striking the number 26 and inserting in lieu thereof the number 35

Further amend the bill on page 12, line 16, after the word of by striking the number 26 and inserting in lieu thereof the number 35

Further amend the bill on page 13, line 8, after the word and by striking the words twenty-five and inserting in lieu thereof the words thirty-five

### AMENDMENT TABLED

On motion of Representative Rogers (J), the amendment offered by Representative Carothers to the bill, H. 347, as amended, was tabled.

Yeas 47; Nays 41.

Yea:

Mr. Speaker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carter, Clark (W), Dean, Ford, Gaines, Gipson, Hall (A), Hall (L), Haney, Hayden, Hilliard, Hinshaw, Hooper, Houston, Johnson (E), Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, Melton, Minnifield, Morrow, Newton (C), Newton (D), Papucci, Parker (P), Perdue, Reed, Robinson, Rogers (J), Sanderson, Spratt, Starkey, Thomas (J), Turner, Venable and Warren.

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Nay:

Representatives Carns, Carothers, Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Flowers, Fuller, Gaston, Guin, Hamilton, Hawkins, Hill, Hogan, Johnson (R), Jorgensen, Laird, McDaniel, McMillan, Millican, Mitchell, Morrison, Morton, Murphree, Page, Parker (T), Payne, Penry, Pringle, Rogers (M), Sims, Smith, Thomas (D), Townsend, Turnham, Vance, Willis and Wren.

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### MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Representative Payne to indefinitely postpone the bill, H. 347, as amended, was lost.

Yeas 30; Nays 51.

Yea:

Representatives Carns, Carothers, Clouse, Collins, Crigler, Curry, Drake, Hamilton, Hawkins, Hill, Hogan, Johnson (R), Laird, Layson, McDaniel, McKee, Millican, Mitchell, Morton, Murphree, Parker (T), Payne, Penry, Pringle, Rogers (M), Sims, Smith, Thomas (D), Townsend and Willis,

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Nay:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Clark (W), Dean, Ford, Fuller, Gaines, Galliher, Gipson, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hayden, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, Melton, Minnifield, Morrow, Newton (C), Newton (D), Papucci, Perdue, Reed, Robinson, Rogers (J), Sanderson, Spratt, Thomas (J), Turner, Venable, Warren and Wren.

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And the bill:

H. 347. To amend Sections 28-3-1 and 28-7-16, Code of Alabama 1975, relating to alcoholic beverages, to define and levy a tax on cider.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 47; Nays 38.

Yea:

Mr. Speaker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Clark (W), Curry, Dean, Ford, Fuller, Gaines, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hayden, Hinshaw, Hooper, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, Melton, Minnifield, Morrow, Newton (C), Newton (D), Papucci, Perdue, Reed, Robinson, Rogers (J), Sanderson, Starkey, Thomas (J), Turner and Venable.

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Nay:

Representatives Allen, Carns, Carothers, Clouse, Collins, Crigler, Drake, Dukes, Flowers, Hamilton, Hawkins, Hill, Hilliard, Hogan, Johnson (R), Laird, Layson, McDaniel, McKee, Millican, Morrison, Morton, Murphree, Parker (P), Parker (T), Payne, Penry, Pringle, Rogers (M), Sanderford, Sims, Smith, Thomas (D), Townsend, Turnham, Warren, Willis and Wren.

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**PERMISSION GRANTED**

Permission was granted for the Journal to reflect that Representative Hilliard inadvertently voted "Nay" and intended to vote "Yea" on passage of the bill, H. 347, as amended.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Newton (D), the Budget Isolation Resolution relating to the bill, H. 112, was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Venable, White, Willis and Wren.

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And the bill:

H. 112. To establish the Alabama Alcoholic Beverage Control Board as the state agency responsible for regulating and enforcing state and federal laws prohibiting the sale of tobacco or tobacco products to minors; to provide permits for the distribution of tobacco or tobacco products; to authorize the Alabama Alcoholic Beverage Control Board to promulgate rules and regulations; and to provide penalties for violations.

was taken up.

**AMENDMENT OFFERED**

Representative Newton (D) offered the following amendment #1 to the bill, H. 112:

Amend H. 112 on Page 2, line 9, after the word "products" delete the following: ~~to~~ and insert in lieu thereof the following: by

Further amend H. 112 on Page 13, Line 9, at the beginning of the line before the word "traffic" insert the following word" non

**AMENDMENT ADOPTED**

And the amendment #1 was adopted.

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Yeas 78; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

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**AMENDMENT OFFERED**

Representative Newton (D) offered the following amendment #2 to the bill, H. 112, as amended:

Amend H. 112 on page 10, line 25 by deleting the period and adding the following: "; however the expenditure of said sums so appropriated shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Chapter 4 of Title 41 of the Code of Alabama 1975."

**AMENDMENT ADOPTED**

And the amendment #2 was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, Willis and Wren.

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**AMENDMENT OFFERED**

Representative Page offered the following amendment to the bill, H. 112, as amended:

On page 2, after line 14, insert the following new paragraph: This bill would exempt a permit holder who institutes a training program for employees from penalties for the sale of tobacco to minors.

On page 3, line 1, delete the word "and".

On page 3, line 2, after the word "violations" insert the following language: ; and to exempt a permit holder who institutes a training program from penalties.

On page 13, after line 18, insert the following new Section 15 and renumber the following sections accordingly:

Section 15. Any permit holder who owns a retail outlet and institutes a training program to educate his or her employees regarding the sale of tobacco to minors shall be exempt from the penalty provisions of this act.

**AMENDMENT TABLED**

On motion of Representative Newton (D), the amendment offered by Representative Page to the bill, H. 112, as amended, was tabled.

Yeas 53; Nays 18.

Yea:

Mr. Speaker, Allen, Black (M), Burke, Buskey, Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Guin, Hall (L), Hammett, Haney, Hilliard, Hogan, Houston, Johnson (E), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, Moore, Morton, Newton (C), Newton (D), Parker (T), Petelos, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Starkey, Thomas (J), Turner, Turnham, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Box, Carothers, Ford, Hill, Hinshaw, Johnson (R), McMillan, Millican, Morrison, Page, Papucci, Payne, Penry, Pringle, Robinson, Smith, Spratt and Thomas (D).

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And the bill:

H. 112. To establish the Alabama Alcoholic Beverage Control Board as the state agency responsible for regulating and enforcing state and federal laws prohibiting the sale of tobacco or tobacco products to minors; to provide permits for the distribution of tobacco or tobacco products; to authorize the Alabama Alcoholic Beverage Control Board to promulgate rules and regulations; and to provide penalties for violations.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Venable, Willis and Wren.

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#### **CO-SPONSORS ADDED**

The following were added as co-sponsors to the bill, H. 112, as amended:

Representatives Allen, Baker, Boyd, Burke, Carns, Carothers, Clark (J), Clouse, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Haney, Hawkins, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Laird, Lindsey, McAdory, McDaniel, McKee, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Perdue, Petelos, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Townsend, Vance, Venable and Wren.

#### **REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 752. To propose an amendment to the Constitution of Alabama of 1901, relating to Marengo County, to place the judge of probate of the county on a salary basis and to provide that the fees of the judge of probate would be placed in the county treasury effective January 1 after its approval.

TOMMY CARTER  
Chairman

And the bill, H. 752, as engrossed, was ordered sent to the Senate.

### **SPECIAL ORDER CALENDAR RESUMED**

#### **MOTION TO RECONSIDER ADOPTED**

Having voted on the prevailing side, Representative Hammett offered the motion to reconsider the vote by which the bill, S. 300, was lost, and the motion to reconsider was adopted.

Yeas 40; Nays 33.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Clark (W), Drake, Flowers, Ford, Fuller, Hall (A), Hammett, Hawk, Hayden, Hilliard, Jackson, Johnson (E), Knight (J), Lindsey, Maul, McAdory, McClammy, McDaniel, Melton, Morrow, Newton (D), Page, Penry, Perdue, Robinson, Rogers (J), Sanderson, Spratt, Starkey, Turner, Turnham and White.

-40

Nay:

Representatives Carns, Clouse, Collins, Crigler, Curry, Dean, Gaines, Gaston, Graham, Guin, Hall (L), Haney, Hawkins, Hill, Hogan, Johnson (R), Jorgensen, McKee, Millican, Moore, Morton, Murphree, Payne, Pringle, Rogers (M), Seibenhener, Sims, Smith, Thomas (D), Townsend, Venable, Willis and Wren.

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And the bill, S. 300, was again taken up.

#### **S. 300 TEMPORARILY CARRIED OVER**

On motion of Representative Hammett, the bill, S. 300, was temporarily carried over.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, S. 182, was adopted.

Yeas 73; Nays 1.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Boyd, Burke, Carothers, Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable and Wren.

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Nay:

Representative Hill.

- 1

And the bill:

S. 182. (With Substitute): To amend Section 32-5A-191 of the Code of Alabama 1975, as amended by Act No. 95-784, S. 338, 1995 Regular Session (Acts 1995, p. 1862), relating to driving under the influence of alcohol and drugs; to prohibit the operation of a motor vehicle by a person who is under the legal drinking age and has .02 percent or more by weight of alcohol in his or her blood.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, S. 182, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 32-5A-191 and Section 32-5A-194 of the Code of Alabama 1975, as amended by Act No. 95-784, S. 338, 1995 Regular Session (Acts 1995, p. 1862), relating to driving under the influence of alcohol and

drugs; to prohibit the operation of a motor vehicle by a person under the age of 21 years who has .02 percent or more by weight of alcohol in his or her blood; and to provide for the approval of permits by the Department of Forensic Sciences.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-5A-191 of the Code of Alabama 1975, as amended by Act No. 95-784, is amended to read as follows:

"§32-5A-191.

"(a) A person shall not drive or be in actual physical control of any vehicle while:

"(1) There is 0.08 percent or more by weight of alcohol in his or her blood;

"(2) Under the influence of alcohol;

"(3) Under the influence of a controlled substance to a degree which renders him or her incapable of safely driving;

"(4) Under the combined influence of alcohol and a controlled substance to a degree which renders him or her incapable of safely driving; or

"(5) Under the influence of any substance which impairs the mental or physical faculties of such person to a degree which renders him or her incapable of safely driving.

"(b) A person who is under the age of 21 years shall not drive or be in actual physical control of any vehicle if there is .02 percentage or more by weight of alcohol in his or her blood. The Department of Public Safety shall, pursuant to the provisions of this section, suspend or revoke the driver's license of any person, including, but not limited to, a juvenile, child, or youthful offender, convicted or adjudicated of, or subjected to a finding of delinquency based on the provisions of this section; however anyone under the age of 21 who violates the provisions of this section, and it is the first offense for this person under the provisions of this section, and his or her blood alcohol level is between .02 and .08 shall be considered to be DUI and shall be given a warning by the law enforcement officer and an official Department of Public Safety notice shall be sent to the individual's parents or legal guardians. Any person convicted under this subsection shall be given youthful offender status on a first conviction.

All persons, including, but not limited to, a juvenile, child, or youthful offender, convicted or adjudicated of, or subjected to a finding of delinquency based on, the provisions of this section shall be fined pursuant to the provisions of this section, notwithstanding any other law to the contrary.

"(b) (c) The fact that any person charged with violating this section is or has been legally entitled to use alcohol or a controlled substance shall not constitute a defense against any charge of violating this section.

"(e) (d) Upon first conviction, a person violating this section shall be punished by imprisonment in the county or municipal jail for not more than one year, or by fine of not less than five hundred dollars (\$500) nor more than two thousand dollars (\$2,000), or by both ~~such~~ a fine and imprisonment. In addition, on a first conviction, the Director of Public Safety shall suspend the driving privilege or driver's license of the person ~~se~~ convicted for a period of 90 days.

"(d) (e) On a second conviction within a five-year period, a person convicted of violating this section shall be punished by a fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) and by imprisonment, which may include hard labor in the county or municipal jail for not more than one year. The sentence shall include a mandatory sentence, which is not subject to suspension or probation, of imprisonment in the county or municipal jail for not less than 48 consecutive hours or community service for not less than 20 days. In addition the Director of Public Safety shall revoke the driving privileges or driver's license of the person ~~se~~ convicted for a period of one year.

"(e) (f) On a third conviction within a five-year period, a person convicted of violating this section shall be punished by a fine of not less than two thousand dollars (\$2,000) nor more than ten thousand dollars (\$10,000) and by imprisonment, which may include hard labor, in the county or municipal jail for not less than 60 days nor more than one year, to include a minimum of 60 days which shall be served in the county or municipal jail and cannot be probated or suspended. In addition, the Director of Public Safety shall revoke the driving privilege or driver's license of the person ~~se~~ convicted for a period of three years.

"(f) (g) On a fourth or subsequent conviction within a five-year period, a person convicted of violating this section shall be guilty of a Class C felony and punished by a fine of not less than four thousand dollars (\$4,000) nor more than ten thousand dollars (\$10,000) and by imprisonment of not less than one year and one day nor more than 10 years. Any term of imprisonment may include hard labor for the county or state, and where imprisonment does not exceed three years confinement may be in the county jail. Where imprisonment does not exceed one year and one day, confinement shall be in the county jail. The minimum sentence shall include a term of imprisonment for at least one year and one day which may be suspended or probated, but only if the defendant enrolls and successfully completes a state certified chemical dependency program recommended by the court referral officer and approved by the sentencing court. Where probation is granted, the sentencing court may, in its discretion, and where monitoring equipment is available, place the defendant on house arrest under electronic surveillance during the probationary term. In addition to the other penalties authorized, the Director of Public Safety shall revoke the driving privilege or driver's license of the person ~~se~~ convicted for a period of five years.

"Any law to the contrary notwithstanding, the Alabama habitual felony offender law shall not apply to a conviction of a felony pursuant to this subsection, and a conviction of a felony pursuant to this subsection shall not be a felony conviction for purposes of the enhancement of punishment pursuant to Alabama's habitual felony offender law.

~~"(g)~~ (h) In addition to the penalties provided herein, any person convicted of violating this section shall be referred to the court referral officer for evaluation and referral to appropriate community resources. The defendant shall, at a minimum, be required to complete a DUI or substance abuse court referral program approved by the Administrative Office of Courts and operated in accordance with provisions of the Mandatory Treatment Act of 1990, Sections 12-23-1 to 12-23-19, inclusive. The Department of Public Safety shall not reissue a driver's license to a person convicted under this section without receiving proof that the defendant has successfully completed the required program.

~~"(h)~~ (i) Neither reckless driving nor any other traffic infraction is a lesser included offense under a charge of driving under the influence of alcohol or of a controlled substance.

~~"(i)~~ (j) Except for fines collected for violations of this section charged pursuant to a municipal ordinance, fines collected for violations of this section shall be deposited to the State General Fund; however, beginning October 1, 1995, of any amount collected over \$250 for a first conviction, over \$500 for a second conviction within five years, over \$1,000 for a third conviction within five years and over \$2,000 for a fourth or subsequent conviction within five years, the first one hundred dollars (\$100) of that additional amount shall be deposited to the Alabama Chemical Testing Training and Equipment Trust Fund after three percent of the one hundred dollars (\$100) is deducted for administrative costs, and the remainder shall be deposited to the State General Fund. Fines collected for violations of this section charged pursuant to a municipal ordinance shall be deposited as follows: the first \$250 collected for a first conviction, the first \$500 collected for a second conviction within five years, the first \$1,000 collected for a third conviction within five years and the first \$2,000 collected for a fourth or subsequent conviction within five years shall be deposited to the general fund of the municipality; any amounts collected over these amounts shall be deposited to the State General Fund until October 1, 1995; however, beginning October 1, 1995, of any amount collected over these amounts, the first one hundred dollars (\$100) of that additional amount shall be deposited to the Alabama Chemical Testing Training and Equipment Trust Fund after three percent of the one hundred dollars (\$100) is deducted for administrative costs, and the remainder shall be deposited to the State General Fund.

~~"(j)~~ (k) A person who has been arrested for violating this section shall not be released from jail under bond or otherwise, until there is less than the same percent by weight of alcohol in his or her blood as specified in subsection (a)(1) or, in the case of a person who is under the age of 21 years, subsection (b) hereof.

"(k) (l) Upon verification that a defendant arrested pursuant to this section is currently on probation from another court of this state as a result of a conviction for any criminal offense, the prosecutor shall provide written or oral notification of the defendant's subsequent arrest and pending prosecution to the court in which the prior conviction occurred."

Section 2. Section 32-5A-194 of the Code of Alabama 1975, as amended by Act No. 95-784, is amended to read as follows:

"§32-5A-194.

"(a) Upon the trial of any civil, criminal or quasi-criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual control of a vehicle while under the influence of alcohol or controlled substance, evidence of the amount of alcohol or controlled substance in a person's blood at the alleged time, as determined by a chemical analysis of the person's blood, urine, breath or other bodily substance, shall be admissible. Where such a chemical test is made the following provisions shall apply:

"(1) Chemical analyses of the person's blood, urine, breath or other bodily substance to be considered valid under the provisions of this section shall have been performed according to methods approved by the Department of Forensic Sciences and by an individual possessing a valid permit issued by the Department of Forensic Sciences for this purpose. The court trying the case may take judicial notice of the methods approved by the Department of Forensic Sciences. The Department of Forensic Sciences is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the Department of Forensic Sciences. The Department of Forensic Sciences shall ~~not approve the permit required in this section for making tests for any law enforcement officer other than a member of the State Highway Patrol, a sheriff or his deputies, a city policeman or laboratory personnel employed by the Department of Forensic Sciences~~ approve permits required by this section only for employees of state, county, municipal and federal law enforcement agencies and for laboratory personnel employed by the department.

"(2) When a person shall submit to a blood test at the direction of a law enforcement officer under the provisions of Section 32-5-192, only a physician or a registered nurse (or other qualified person) may withdraw blood for the purpose of determining the alcoholic content therein. This limitation shall not apply to the taking of breath or urine specimens. If the test given under Section 32-5-192 is a chemical test of urine, the person tested shall be given such privacy in the taking of the urine specimen as will insure the accuracy of the specimen and, at the same time, maintain the dignity of the individual involved.

"(3) The person tested may at his own expense have a physician, or a qualified technician, registered nurse or other qualified person of his own choosing

administer a chemical test or tests in addition to any administered at the discretion of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

"(4) Upon the written request of the person who shall submit to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or his attorney.

"(5) Percent by weight of alcohol in the blood shall be based upon grams of alcohol per 100 cubic centimeters of blood or grams of alcohol per 210 liters of breath.

"(b) Upon the trial of any civil, criminal, or quasi-criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of alcohol, the amount of alcohol in the person's blood at the time alleged as shown by chemical analysis of the person's blood, urine, breath or other bodily substance shall give rise to the following presumptions:

"(1) If there were at that time 0.05 percent or less by weight of alcohol in the person's blood, it shall be presumed that the person was not under the influence of alcohol unless the person was under the age of 21 years at that time.

"(2) If there were at the time in excess of 0.05 percent but less than 0.08 percent by weight of alcohol in the person's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of alcohol, but such fact may be considered with other competent evidence in determining whether the person was under the influence of alcohol unless the person was under the age of 21 years at that time.

"(3) If there were at that time 0.08 percent or more by weight of alcohol in the person's blood, or .02 percent or more if the person was under the age of 21 years at that time, it shall be presumed that the person was under the influence of alcohol.

"(4) The foregoing provisions of this subsection shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of alcohol.

"(c) If a person under arrest refuses to submit to a chemical test under the provisions of Section 32-5-192, evidence of refusal shall be admissible in any civil, criminal or quasi-criminal action or proceeding arising out of acts alleged to have been committed while the person was driving or in actual physical control of a motor vehicle while under the influence of alcohol or controlled substance.

"(d) No physician, registered nurse or duly licensed chemical laboratory technologist or clinical laboratory technician or medical facility shall incur any civil



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or criminal liability as a result of the proper administering of a blood test when requested in writing by a law enforcement officer to administer such a test."

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

**SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Carns, Carothers, Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Willis and Wren.

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**AMENDMENT OFFERED**

Representative Minnifield offered the following amendment to the bill, S. 182, as amended:

To amend S. 182 as substituted on page 3 by adding after line 19 the following: "The provisions of this sub section (b) shall not apply to active military personnel who have on their person the appropriate military I.D. card."

**AMENDMENT TABLED**

On motion of Representative Fuller, the amendment offered by Representative Minnifield to the bill, S. 182, as amended, was tabled.

Yeas 52; Nays 15.

Yea:

Mr. Speaker, Boyd, Burke, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Galliher, Gipson, Guin, Hayden, Hogan, Houston, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Morton, Murphree, Papucci, Parker (P), Parker (T), Penry, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Venable, Warren, Willis and Wren.

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Nay:

Representatives Bandy, Buskey, Carns, Clark (W), Crigler, Hall (A), Hawkins, Minnifield, Mitchell, Newton (D), Page, Payne, Perdue, Pringle and Robinson.

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And the bill, S. 182, as amended, was read a third time at length and passed.

Yeas 83; Nays 3.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-83

Nay:

Representatives Hill, Page and Pringle.

- 3

### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, S. 208, was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maul, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Perdue, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Venable, Warren, White, Willis and Wren.

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And the bill:

S. 208. To amend Section 32-5A-191 of the Code of Alabama 1975, as amended by Act No. 95-784, S. 338, 1995 Regular Session (Acts 1995, p. 1862), relating to driving under the influence of alcohol and drugs; to prohibit the operation of a motor vehicle by a school bus or day care driver who has greater than .02 percent by weight of alcohol in his or her blood; and to provide penalties.

was taken up.

### **SUBSTITUTE OFFERED**

Representative Fuller offered the following substitute to the bill, S. 208:

#### **A BILL TO BE ENTITLED AN ACT**

To amend Section 32-5A-191 and Section 32-5A-194 of the Code of Alabama 1975, as amended by Act No. 95-784 S. 338, 1995 Regular Session (Acts 1995, p. 1862), relating to driving under the influence of alcohol and drugs; to prohibit the operation of a motor vehicle by a school bus or day care driver while in performance of their duties with greater than .02 percentage or more by weight of alcohol in his or her blood; to provide penalties; and to provide for the approval of permits by the Department of Forensic Sciences.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Section 32-5A-191 of the Code of Alabama 1975, as amended by Act No. 95-784, is amended to read as follows:

"§32-5A-191.

"(a) A person shall not drive or be in actual physical control of any vehicle while:

"(1) There is 0.08 percent or more by weight of alcohol in his or her blood;

"(2) Under the influence of alcohol;

"(3) Under the influence of a controlled substance to a degree which renders him or her incapable of safely driving;

"(4) Under the combined influence of alcohol and a controlled substance to a degree which renders him or her incapable of safely driving; or

"(5) Under the influence of any substance which impairs the mental or physical faculties of such person to a degree which renders him or her incapable of safely driving.

"(b) A school bus or day care driver shall not drive or be in actual physical control of any vehicle while in performance of his or her duties if there is greater than .02 percentage by weight of alcohol in his or her blood. A person convicted pursuant to this subsection shall be subject to the penalties provided by this section except that on the first conviction the Director of Public Safety shall suspend the driving privilege or driver's license for a period of one year.

~~"(b)(c)~~ The fact that any person charged with violating this section is or has been legally entitled to use alcohol or a controlled substance shall not constitute a defense against any charge of violating this section.

~~"(e)(d)~~ Upon first conviction, a person violating this section shall be punished by imprisonment in the county or municipal jail for not more than one year, or by fine of not less than five hundred dollars (\$500) nor more than two thousand dollars (\$2,000), or by both such fine and imprisonment. In addition, on a first conviction, the Director of Public Safety shall suspend the driving privilege or driver's license of the person so convicted for a period of 90 days.

~~"(e)(e)~~ On a second conviction within a five-year period, a person convicted of violating this section shall be punished by a fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) and by imprisonment, which may include hard labor in the county or municipal jail for not more than one year. The sentence shall include a mandatory sentence, which is not subject to suspension or probation, of imprisonment in the county or municipal jail for not less than 48 consecutive hours or community service for not less than 20 days. In addition the Director of Public Safety shall revoke the driving privileges or driver's license of the person so convicted for a period of one year.

~~"(e)"~~(f) On a third conviction within a five-year period, a person convicted of violating this section shall be punished by a fine of not less than two thousand dollars (\$2,000) nor more than ten thousand dollars (\$10,000) and by imprisonment, which may include hard labor, in the county or municipal jail for not less than 60 days nor more than one year, to include a minimum of 60 days which shall be served in the county or municipal jail and cannot be probated or suspended. In addition, the Director of Public Safety shall revoke the driving privilege or driver's license of the person so convicted for a period of three years.

~~"(f)"~~(g) On a fourth or subsequent conviction within a five-year period, a person convicted of violating this section shall be guilty of a Class C felony and punished by a fine of not less than four thousand dollars (\$4,000) nor more than ten thousand dollars (\$10,000) and by imprisonment of not less than one year and one day nor more than 10 years. Any term of imprisonment may include hard labor for the county or state, and where imprisonment does not exceed three years confinement may be in the county jail. Where imprisonment does not exceed one year and one day, confinement shall be in the county jail. The minimum sentence shall include a term of imprisonment for at least one year and one day which may be suspended or probated, but only if the defendant enrolls and successfully completes a state certified chemical dependency program recommended by the court referral officer and approved by the sentencing court. Where probation is granted, the sentencing court may, in its discretion, and where monitoring equipment is available, place the defendant on house arrest under electronic surveillance during the probationary term. In addition to the other penalties authorized, the Director of Public Safety shall revoke the driving privilege or driver's license of the person so convicted for a period of five years.

"Any law to the contrary notwithstanding, the Alabama habitual felony offender law shall not apply to a conviction of a felony pursuant to this subsection, and a conviction of a felony pursuant to this subsection shall not be a felony conviction for purposes of the enhancement of punishment pursuant to Alabama's habitual felony offender law.

~~"(g)"~~(h) In addition to the penalties provided herein, any person convicted of violating this section shall be referred to the court referral officer for evaluation and referral to appropriate community resources. The defendant shall, at a minimum, be required to complete a DUI or substance abuse court referral program approved by the Administrative Office of Courts and operated in accordance with provisions of the Mandatory Treatment Act of 1990, Sections 12-23-1 to 12-23-19, inclusive. The Department of Public Safety shall not reissue a driver's license to a person convicted under this section without receiving proof that the defendant has successfully completed the required program.

~~"(h)"~~(i) Neither reckless driving nor any other traffic infraction is a lesser included offense under a charge of driving under the influence of alcohol or of a controlled substance.

"~~(j)~~(i) Except for fines collected for violations of this section charged pursuant to a municipal ordinance, fines collected for violations of this section shall be deposited to the State General Fund; however, beginning October 1, 1995, of any amount collected over \$250 for a first conviction, over \$500 for a second conviction within five years, over \$1,000 for a third conviction within five years and over \$2,000 for a fourth or subsequent conviction within five years, the first one hundred dollars (\$100) of that additional amount shall be deposited to the Alabama Chemical Testing Training and Equipment Trust Fund after three percent of the one hundred dollars (\$100) is deducted for administrative costs, and the remainder shall be deposited to the State General Fund. Fines collected for violations of this section charged pursuant to a municipal ordinance shall be deposited as follows: the first \$250 collected for a first conviction, the first \$500 collected for a second conviction within five years, the first \$1,000 collected for a third conviction within five years and the first \$2,000 collected for a fourth or subsequent conviction within five years shall be deposited to the general fund of the municipality; any amounts collected over these amounts shall be deposited to the State General Fund until October 1, 1995; however, beginning October 1, 1995, of any amount collected over these amounts, the first one hundred dollars (\$100) of that additional amount shall be deposited to the Alabama Chemical Testing Training and Equipment Trust Fund after three percent of the one hundred dollars (\$100) is deducted for administrative costs, and the remainder shall be deposited to the State General Fund.

"~~(j)~~(k) A person who has been arrested for violating this section shall not be released from jail under bond or otherwise, until there is less than the same percent by weight of alcohol in his or her blood as specified in subsection (a)(1) hereof.

"~~(k)~~(l) Upon verification that a defendant arrested pursuant to this section is currently on probation from another court of this state as a result of a conviction for any criminal offense, the prosecutor shall provide written or oral notification of the defendant's subsequent arrest and pending prosecution to the court in which the prior conviction occurred."

Section 2. Section 32-5A-194 of the Code of Alabama 1975, as amended by Act No. 95-784, is amended to read as follows:

"§32-5A-194.

"(a) Upon the trial of any civil, criminal or quasi-criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual control of a vehicle while under the influence of alcohol or controlled substance, evidence of the amount of alcohol or controlled substance in a person's blood at the alleged time, as determined by a chemical analysis of the person's blood, urine, breath or other bodily substance, shall be admissible. Where such a chemical test is made the following provisions shall apply:

"(1) Chemical analyses of the person's blood, urine, breath or other bodily substance to be considered valid under the provisions of this section shall have been performed according to methods approved by the Department of Forensic Sciences and by an individual possessing a valid permit issued by the Department of Forensic Sciences for this purpose. The court trying the case may take judicial notice of the methods approved by the Department of Forensic Sciences. The Department of Forensic Sciences is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the Department of Forensic Sciences. The Department of Forensic Sciences shall not approve the permit required in this section for making tests for any law enforcement officer other than a member of the State Highway Patrol, a sheriff or his deputies, a city policeman or laboratory personnel employed by the Department of Forensic Sciences. The Department of Forensic Sciences shall approve permits required in this section only for employees of state, county, municipal, and federal law enforcement agencies and for laboratory personnel employed by the Department of Forensic Sciences.

"(2) When a person shall submit to a blood test at the direction of a law enforcement officer under the provisions of Section 32-5-192, only a physician or a registered nurse (or other qualified person) may withdraw blood for the purpose of determining the alcoholic content therein. This limitation shall not apply to the taking of breath or urine specimens. If the test given under Section 32-5-192 is a chemical test of urine, the person tested shall be given such privacy in the taking of the urine specimen as will insure the accuracy of the specimen and, at the same time, maintain the dignity of the individual involved.

"(3) The person tested may at his own expense have a physician, or a qualified technician, registered nurse or other qualified person of his own choosing administer a chemical test or tests in addition to any administered at the discretion of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

"(4) Upon the written request of the person who shall submit to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or his attorney.

"(5) Percent by weight of alcohol in the blood shall be based upon grams of alcohol per 100 cubic centimeters of blood or grams of alcohol per 210 liters of breath.

"(b) Upon the trial of any civil, criminal, or quasi-criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of alcohol, the amount of alcohol in the person's blood at the time alleged as shown by chemical analysis of the person's blood, urine, breath or other bodily substance shall give rise to the following presumptions:

"(1) If there were at that time 0.05 percent or less by weight of alcohol in the person's blood, it shall be presumed that the person was not under the influence of alcohol unless the person was operating a motor vehicle in performance of his or her duties as a school bus driver or day care driver at that time.

"(2) If there were at the time in excess of 0.05 percent but less than 0.08 percent by weight of alcohol in the person's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of alcohol, but such fact may be considered with other competent evidence in determining whether the person was under the influence of alcohol unless the person was operating a motor vehicle in performance of his or her duties as a school bus driver or day care driver at that time.

"(3) If there were at that time 0.08 percent or more by weight of alcohol in the person's blood, or greater than .02 percent if the person was operating a motor vehicle in performance of his or her duties as a school bus driver or day care driver at that time, it shall be presumed that the person was under the influence of alcohol.

"(4) The foregoing provisions of this subsection shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of alcohol.

"(c) If a person under arrest refuses to submit to a chemical test under the provisions of Section 32-5-192, evidence of refusal shall be admissible in any civil, criminal or quasi-criminal action or proceeding arising out of acts alleged to have been committed while the person was driving or in actual physical control of a motor vehicle while under the influence of alcohol or controlled substance.

"(d) No physician, registered nurse or duly licensed chemical laboratory technologist or clinical laboratory technician or medical facility shall incur any civil or criminal liability as a result of the proper administering of a blood test when requested in writing by a law enforcement officer to administer such a test."

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford,



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Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill, S. 208, as amended, was read a third time at length and passed.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 39. To provide that the city council or governing body of a Class 2 municipality shall meet not less than 48 times per year.

Also:

S. 40. Relating to the City of Prichard; providing that the Prichard City Council shall meet not less than 48 times per year.

McDOWELL LEE  
Secretary

**SIGNING OF SENATE BILLS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

**SPECIAL ORDER CALENDAR RESUMED**

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, S. 276, was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Morrison, Morton, Murphree, Newton (D), Papucci, Parker (P), Payne, Penry, Perdue, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Townsend, Turner, Venable, Warren, Willis and Wren.

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And the bill:

S. 276. (With Substitute): To amend Section 32-6-49.13, Code of Alabama 1975, to require that a chemical test be administered if a law enforcement officer has probable cause to believe that a commercial vehicle driver is operating a commercial motor vehicle while having alcohol or drugs in his or her system.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, S. 276, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 32-6-49.13, Code of Alabama 1975, to require that a chemical test be administered if a law enforcement officer has probable cause to believe that a commercial vehicle driver is operating a commercial motor vehicle while having alcohol or drugs in his or her system, or if a commercial vehicle driver is involved in an accident resulting in death or physical injury requiring hospitalization or emergency medical treatment; and to provide for cumulative penalties.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-6-49.13, Code of Alabama 1975, is amended to read as follows:

"§32-6-49.13.

"(a) A person who drives a commercial motor vehicle within this state is deemed to have given consent, subject to provisions of section 32-5-192, to take a test or tests of that person's blood, breath, or urine for the purpose of determining that person's alcohol concentration, or the presence of other drugs.

"(b)(1) A test or tests ~~may~~ shall be administered at the direction of a law enforcement officer, who after stopping or detaining the commercial motor vehicle driver, has probable cause to believe that driver was driving a commercial motor vehicle while having alcohol or drugs in his or her system. The law enforcement officer shall test the driver at the scene by using a field breathalyzer or other approved device, technique, or procedure approved by the Department of Forensic Sciences, or transport the driver to an appropriate facility where a chemical test by an approved method shall be administered either by the officer or at his or her direction, or both.

"(2) A test or tests shall be administered at the direction of a law enforcement officer to all commercial motor vehicle drivers who are involved in any vehicular accident which results in death or physical injury requiring hospitalization or emergency medical treatment.

"(c) A person requested to submit to a test as provided in subsection (a) above must be warned by the law enforcement officer requesting the test, that a refusal to submit to the test will result in that person being immediately placed out of service for a period of 24 hours and being disqualified from operating a commercial motor vehicle for a period of not less than ~~one year~~ two years under section 32-6-49.12.

"(d) If the person refuses testing, or submits to a test which discloses an alcohol concentration of 0.04 or more, the law enforcement officer ~~must~~ shall submit a sworn report to the department certifying that the test was requested

pursuant to subsection (a) (b) and that the person refused to submit to testing, or submitted to a test which disclosed an alcohol concentration of 0.04 or more.

"(e) Upon receipt of the sworn report of a law enforcement officer submitted under subsection (d), the department ~~must~~ shall disqualify the driver from driving a commercial motor vehicle for a period of not less than two years under section 32-6-49.12. This penalty shall be in addition to and cumulative of any other penalties imposed upon the driver under any other existing laws and shall run consecutively with any penalties for other offenses.

"(f) Upon suspending the license or permit to drive or the privilege of driving a motor vehicle on the highways of this state that is given to a nonresident or any person, or upon determining that the issuance of a license or permit shall be denied to the person, the Director of Public Safety or his or her authorized agent shall within three days of suspension notify the person in writing. Upon a request filed by the person within five days from the date of the notice of suspension or denial, the director shall schedule a hearing with notice of the hearing to be provided by certified mail to the person stating the date, time, place, and scope of the hearing. The scope of the hearing shall pertain to all of the following issues:

"(1) Whether the law enforcement officer had reasonable grounds to believe the person had been driving a motor vehicle on the public highways of this state while under the influence of the substances enumerated in subsection (a).

"(2) Whether the person refused to submit to the test upon request of a law enforcement officer.

"(3) Whether the person was informed that his or her privilege to drive would be suspended or denied if he or she refused to submit to the test.

"(g) If the suspension or determination that there should be a denial of issuance is sustained by the director or his or her authorized agent, the person whose license or permit to drive or a nonresident operating privilege has been suspended, or to whom a license or permit is denied, shall have the right to file a petition to review the final order, suspension, or denial within 30 days after the entry of the final order of suspension or denial by the director in the appropriate court to review the final order of suspension.

"(h) When it has been finally determined under the procedures of this act that the privilege of a nonresident to operate a motor vehicle in this state has been suspended, the director shall give information in writing of the action taken to the motor vehicle administrator of the state of the residence of the person and to any state in which the person has a license."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

**SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Vance, Venable, Willis and Wren.

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And the bill, S. 276, as amended, was read a third time at length and passed.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J); Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, S. 243, was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-84

And the bill:

S. 243. Relating to the suspension of driving privileges for certain alcohol related actions; specifying the suspension procedure and duration; specifying a hearing and appeal process; and specifying a prospective effective date.

was read a third time at length and passed.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Turnham, the Budget Isolation Resolution relating to the bill, H. 767, which was previously temporarily carried over was adopted.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Burke, Buskey, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Pringle, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Spratt, Starkey, Turner, Turnham, Vance, Venable and White.

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And the bill:

H. 767. Relating to Lee County; to establish a Motor Vehicle License System in the office of the Judge of Probate to process motor vehicle title and license applications, transfers, and renewals; to provide for assessment and collection of motor vehicle ad valorem taxes; to provide for authority to collect and remit license fees, taxes, and monies due to the State of Alabama and the county; to provide for the optional mail order processing of license renewals and issuance with accompanying mail fees; to provide for the collection of sales taxes on used motor vehicles sold by non-dealers; to provide for the requirement of proof of payment of any federal highway use taxes due before issuing licenses; to provide for transferring all of the duties, responsibilities, and enforcement of motor vehicle licensing, ad valorem tax assessment and collection, as well as enforcement otherwise under authority of the tax assessor, tax collector, and license inspector, to the judge of probate; providing an increase in salary for the judge of probate for assuming additional duties under this act; and to provide that the act shall become operative upon referendum approval.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Burke, Buskey, Carothers, Carter, Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines,

Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Petelos, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance, Venable, Warren, White and Willis.

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### **BUDGET ISOLATION RESOLUTION OFFERED**

Representative Perdue offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 612.

### **MOTION TO CARRY OVER TABLED**

On motion of Representative Perdue, the motion offered by Representative Sims to carry over the bill, H. 612, and the pending pending Budget Isolation Resolution to the twenty-ninth legislative day was tabled.

Yeas 44; Nays 20.

Yea:

Representatives Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Clark (W), Drake, Dukes, Fuller, Gaston, Graham, Hall (L), Haney, Hayden, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Maull, McAdory, Melton, Minnifield, Mitchell, Morton, Newton (D), Papucci, Parker (P), Penry, Perdue, Reed, Rogers (J), Rogers (M), Sanderson, Spratt, Starkey, Thomas (J), Vance, White and Willis.

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Nay:

Representatives Allen, Carns, Crigler, Guin, Hawkins, Hinshaw, Laird, McDaniel, McKee, Millican, Morrison, Murphree, Payne, Sanderford, Seibenhener, Sims, Townsend, Turner, Venable and Wren.

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### **BUDGET ISOLATION RESOLUTION ADOPTED**

The question was then on the motion offered by Representative Perdue to adopt the Budget Isolation Resolution relating to the bill, H. 612, and the Budget Isolation Resolution was adopted.



Yeas 61; Nays 15.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Collins, Curry, Drake, Dukes, Fuller, Gaston, Graham, Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Lindsey, Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Morton, Newton (D), Page, Papucci, Parker (P), Penry, Perdue, Reed, Rogers (J), Rogers (M), Sanderson, Smith, Spratt, Starkey, Thomas (J), Turner, Vance, Venable, White and Willis.

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Nay:

Representatives Carns, Crigler, Guin, Laird, McKee, Millican, Morrison, Murphree, Newton (C), Payne, Sanderford, Seibenhener, Sims, Townsend and Wren.

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#### **H. 612 TEMPORARILY CARRIED OVER**

In accordance with House Rule 21, the bill, H. 612, was temporarily carried over at the request of Representative Perdue.

#### **REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 112. To establish the Alabama Alcoholic Beverage Control Board as the state agency responsible for regulating and enforcing state and federal laws prohibiting the sale of tobacco or tobacco products to minors; to provide permits for the distribution of tobacco or tobacco products; to authorize the Alabama Alcoholic Beverage Control Board to promulgate rules and regulations; and to provide penalties for violations.

TOMMY CARTER  
Chairman

And the bill, H. 112, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 347. To amend Sections 28-3-1 and 28-7-16, Code of Alabama 1975, relating to alcoholic beverages, to define and levy a tax on cider.

TOMMY CARTER  
Chairman

And the bill, H. 347, as engrossed, was ordered sent to the Senate.

**SPECIAL ORDER CALENDAR RESUMED  
BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Kennedy, the Budget Isolation Resolution relating to the bill, H. 639, was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

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And the bill:

H. 639. To authorize the Alabama State Docks Department to expend certain funds for a safety incentive program.

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was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Morrison, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Wren.

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**RESOLUTION**

The following resolution was introduced:

By Representatives Reed, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.J.R. 342. MOURNING THE DEATH OF SECRETARY OF COMMERCE RON BROWN.

WHEREAS, it is with profound sorrow and regret that the Legislature of Alabama notes the recent tragic death of Secretary of Commerce Ron Brown who, along with other leaders of industry, was killed in the crash of a jetliner while on a rebuilding mission to the Balkan Region; and

WHEREAS, President Clinton eulogized Ron Brown as one of his ablest political advisors and, indeed, Ron Brown was a man of unique and extraordinary talent and ability, not only in his capacity as Secretary of Commerce, but in other areas of statesmanship and humanitarianism as well; he was a visionary, a motivator, and a leader among men; he had the unique ability to use commercial means to effectuate social change, as was displayed on his recent ill-fated trade mission to Bosnia and, over his tenure, played a vital role in increasing the effectiveness of the department; and

WHEREAS, Ron Brown was born and reared in Harlem and, though he traveled extensively throughout the world in his various capacities, he would always call Harlem home; and

WHEREAS, he practiced law in New York with a prestigious law firm following his graduation from law school, but abandoned his successful practice to become a forceful leader in the Civil Rights Movement within the system during the early 60s, and was instrumental in effectuating major changes during this turbulent time in our nation's history; and

WHEREAS, Ron Brown was highly regarded as an effective leader not only within the Democratic Party, but within the ranks of the Republican Party as well, and played a key role in the campaigns of many notable political figures such as the Reverend Jesse Jackson, for whom he served as campaign coordinator in 1980; and

WHEREAS, Secretary Brown served as Chairman of the National Democratic Committee immediately following the 1988 election, and in this capacity was instrumental in rejoining and unifying the various factions of the Democratic Party, resulting in the successful election of President Bill Clinton in 1992; and

WHEREAS, the contributions of Ron Brown to our nation and its people were immeasurable and his lamentable death has left an unfathomable void in the life and leadership of our nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply grieved and saddened by the death of Ron Brown, a true American and one of our nation's most valued and respected leaders, and express our heartfelt sympathy to his wife and family, for whom a copy of this resolution of condolence shall be provided.

On motion of Representative Reed, the rules were suspended and the resolution, H.J.R. 342, was adopted.

### **SPECIAL ORDER CALENDAR RESUMED**

### **BUDGET ISOLATION RESOLUTION OFFERED**

Representative Turner offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 532.

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**MOTION TO RESCIND RECESS MOTION LOST**

The motion offered by Representative Hawkins to rescind the motion previously adopted that the House recess from 12:00 o'clock Noon until 1:15 o'clock p.m. was lost.

Yeas 46; Nays 47.

Yea:

Representatives Allen, Black (M), Burke, Carns, Carter, Collins, Crigler, Drake, Dukes, Ford, Fuller, Galliher, Gaston, Graham, Guin, Hall (L), Hammett, Hawkins, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Layson, Lindsey, McAdory, McDaniel, Melton, Morrison, Newton (D), Parker (P), Parker (T), Payne, Reed, Rogers (J), Rogers (M), Sims, Spratt, Starkey, Turner, Vance, Venable, White, Willis and Wren.

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Nay:

Representatives Baker, Bandy, Black (L), Box, Boyd, Buskey, Carothers, Clark (W), Clouse, Curry, Dean, Dolbare, Gaines, Haney, Hawk, Hayden, Hill, Holmes, Johnson (R), Kennedy, Knight (J), Laird, Maull, McClammy, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Papucci, Penry, Perdue, Petelos, Pringle, Sanderford, Sanderson, Seibenhener, Smith, Thomas (D), Thomas (J), Townsend, Turnham and Warren.

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**SPECIAL ORDER CALENDAR RESUMED**

The question was then on the motion offered by Representative Turner to adopt the Budget Isolation Resolution relating to the bill, H. 532.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 243. Relating to the suspension of driving privileges for certain alcohol related actions; specifying the suspension procedure and duration; specifying a hearing and appeal process; and specifying a prospective effective date.

McDOWELL LEE  
Secretary

**SIGNING OF SENATE BILL**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

**RESOLUTION**

The following resolution was introduced:

By Representative Flowers:

H.J.R. 343. HONORING SARAH E. HINES UPON HER RETIREMENT FROM THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

The resolution, H.J.R. 343, was read and referred to the Standing Committee on Rules.

**RECESS**

The hour of 12:00 o'clock Noon having arrived and pursuant to the motion heretofore adopted, the House recessed until 1:15 o'clock p.m.

**HOUSE RECONVENED**

The hour of 1:15 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

**RESOLUTION**

The following resolution was introduced:

By Representative Hammett:

H.J.R. 344. ADDING AN ADDITIONAL MEMBER TO THE ECONOMIC DEVELOPMENT LEGISLATIVE ADVISORY COMMISSION.

The resolution, H.J.R. 344, was read and referred to the Standing Committee on Rules.

**SPECIAL ORDER CALENDAR RESUMED**

The question was then on the motion offered by Representative Turner to adopt the Budget Isolation Resolution relating to the bill, H. 532.

**MOTION TO CARRY OVER TABLED**

On motion of Representative Turner, the motion offered by Representative Fuller to carry over the bill, H. 532, and the pending Budget Isolation Resolution to the twentieth legislative day was tabled.

Yeas 66; Nays 15.

Yea:

Representatives Allen, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Carter, Crigler, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hawk, Hawkins, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McKee, Millican, Morrison, Morrow, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Pringle, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Warren, White and Wren.

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Nay:

Representatives Clark (W), Clouse, Curry, Fuller, Haney, Hayden, McMillan, Moore, Morton, Newton (C), Penry, Sanderford, Thomas (D), Thomas (J) and Venable.

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**RESOLUTION**

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Crigler:

H.R. 345. COMMENDING KAREN W. WILSON AS THE RECIPIENT OF THE SAHMA 1996 ON-SITE MANAGER OF THE YEAR AWARD.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Freeman:

S. 306. To amend Article I of Chapter 4 of Title 37 of the Code of Alabama 1975, by adding a new Section 37-4-30 which would empower the Public Service Commission or Circuit Court, as appropriate, to review private contracts for electric services to existing electric customers for the purpose of determining whether the private contract is consistent with the public interest and to require the existing customer to reimburse any utility (which, for purposes of this paragraph, include utilities, utility board, electric boards and improvement authorities) currently providing service to an existing customer seeking to obtain electric service pursuant to a private contract for any stranded costs associated with the transfer of the existing electric customer's service; to provide that these stranded costs shall mean all verifiable costs or obligations incurred by a utility in order to provide service to electric customers in the area served by the utility that cannot actually be recovered through mitigation upon the transfer of the existing electric customer to another supplier, and include, but are not limited to, costs of investment in generating, transmission and distribution facilities; obligations for purchased power, fuel and transmission charges; costs of assets required to be capitalized under utility accounting principles; and other fixed costs incurred by the utility to provide service; to provide for the use of commissioners in certain instances; to provide for appeals from the Circuit Court to the Supreme Court directly; to provide for severability, and to provide for the cessation and termination of the provisions of the act upon the occurrence of all of the following events: (1) the enactment of legislation that provides in a comprehensive manner for retail electric service competition in this state and surrounding states; (2) provision in such legislation or in regulations that provide in this state for the recovery of stranded costs by utilities upon the transfer of existing electric customers; (3) elimination of the obligation of utilities to plan for and provide service; and (4) imposition of the same taxes on sales to existing customers by a non-utility at the rates applicable to sales by the utility presently serving the existing customer.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 306. Commerce, Transportation and Utilities.



**SPECIAL ORDER CALENDAR RESUMED**

**BUDGET ISOLATION RESOLUTION ADOPTED**

The question was then on the motion offered by Representative Turner to adopt the Budget Isolation Resolution relating to the bill, H. 532, and the Budget Isolation Resolution was adopted.

Yeas 92; Nays 3.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Haney, Hayden and Sanderford.

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**RESOLUTION**

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Hall (L):

H.R. 346. CONGRATULATING MAUDE DICKSON BOOKHARDT ON HER 104TH BIRTHDAY.

**H. 532 TAKEN UP**

And the bill:

H. 532. (With Substitute): To provide for a salary increase for certain state employees and to appropriate funds therefor for the fiscal years beginning October 1, 1996 and October 1, 1997.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 532, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for a salary increase for certain state employees and to appropriate funds therefor for the fiscal year beginning October 1, 1996.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) Beginning with the first payday on or after October 1, 1996, all state employees who are listed in the classified and unclassified service of the state as defined in Section 36-26-10 of the Code of Alabama 1975, and all other state employees and hourly employees of the state, except those set out in Section 2 of this act, and all legislative personnel, officers and employees, including, but not limited to, Legislative Reference Service personnel, whether subject to the state merit system or not, and all circuit clerks and registers and circuit judges, except as provided in Section 2 of this act, and all employees of the county health departments who are employed subject to the state merit system and whose compensation is paid out of a budget provided and agreed upon by the state, county, or other contributing agency under the direction of the State Board of Health shall receive a four percent salary increase.

(b) Any cost-of-living increase granted under this act shall in no way apply to any local supplement provided to any judges or any other employee of this state. The provisions of this act shall not apply to or increase the compensation of any local employee whose salary is tied to that of any state employee. The increase shall be in addition to the salary received by an employee. It is the intention of the Legislature that the Governor transfer such amounts to, from, and between departments, boards, bureaus, commissions, agencies, offices, and institutions under the direct control of the Governor for the purpose of paying the salary increase for state employees and officials.

Section 2. This act shall not apply to any merit system employee or hourly employee whose service or rate of pay is covered by any labor agreement or contract, nor shall this act apply to a state judge whose salary is payable from the State Treasury if the salary of the judge is increased under and by virtue of any of the following:

(1) The recommendations contained in the report of the Judicial Compensation Commission to the 1996 Regular Session of the Legislature becoming law.

(2) The enactment into law of legislation altering and amending the report.

(3) Any other legislation enacted into law during the 1996 Regular or Special Sessions of the Legislature.

Section 3. The Director of the State Personnel Department shall revise the schedule of rates set forth in the pay plan for state employees and shall certify the same to the State Comptroller, who shall issue warrants in accordance therewith. With respect to all court officials and employees within the Unified Judicial System who serve the trial and appellate courts of the state and the Administrative Office of Courts, the Administrative Director of Courts shall revise the schedule of rates set forth in the pay plan for these court officials and employees to reflect the increase provided in this act, and shall certify the same to the State Comptroller, who shall issue warrants in accordance therewith. With respect to the legislative employees, the Secretary of the Senate for employees of the Senate, the Clerk of the House of Representatives for employees of the House of Representatives, the Director of the Legislative Reference Service for employees of the Legislative Reference Service, and the Director of the Legislative Fiscal Office for employees of the Legislative Fiscal Office, shall revise the schedule of rates set forth in the pay plan for these legislative employees to reflect the increase provided in this act, and shall certify the same to the State Comptroller, who shall issue warrants in accordance therewith.

Section 4. The amounts necessary to pay state officials and employees the increased salaries are appropriated for the fiscal year beginning October 1, 1996, from those funds that the salaries of the state officials and employees are paid.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### **MOTION TO CARRY OVER TABLED**

On motion of Representative Turner, the motion offered by Representative Haney to carry over the bill, H. 532, and the pending committee substitute to the twenty-first legislative day was tabled.

Yeas 83; Nays 12.

Yea:

Representatives Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maul, McAdory, McClammy, McKee, Melton, Millican, Minnifield,

Morrison, Morrow, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Pringle, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Carns, Curry, Fuller, Hamilton, Hammett, Haney, Hayden, McMillan, Morton, Newton (C), Penry and Sanderford.

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### SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 532, and the committee substitute was adopted.

Yeas 97; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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### AMENDMENT OFFERED

Representative Fuller offered the following amendment #1 to the bill, H. 532, as amended:

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Amend H. 532 as substituted on page 4 after line 11 by inserting the following new Section 5 and renumbering all subsequent sections accordingly:

"Section 5. The pay raise authorized in this act is conditioned upon the enactment of House Bill 351."

**AMENDMENT TABLED**

On motion of Representative Turner, the amendment #1 offered by Representative Fuller to the bill, H. 532, as amended, was tabled.

Yeas 55; Nays 38.

Yea:

Representatives Baker, Carns, Carter, Dean, Drake, Dukes, Flowers, Ford, Gaston, Gipson, Graham, Guin, Hall (A), Hawk, Hawkins, Hinshaw, Holmes, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Knight (J), Laird, Maull, McAdory, McClammy, McKee, Millican, Minnifield, Mitchell, Morrison, Morrow, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Reed, Robinson, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White and Wren.

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Nay:

Representatives Allen, Bandy, Box, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Fuller, Galliher, Hall (L), Hamilton, Hammett, Haney, Hayden, Hill, Hilliard, Hogan, Hooper, Johnson (R), Kennedy, McDaniel, McMillan, Melton, Moore, Morton, Newton (C), Parker (T), Penry, Perdue, Rogers (J), Sanderford, Sanderson and Turnham.

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**AMENDMENT OFFERED**

Representative Sanderson offered the following amendment to the bill, H. 532, as amended:

To amend H. 532 as substituted by deleting lines 1 through 9 in their entirety and inserting in lieu thereof the following: "the State Treasury."

**AMENDMENT TABLED**

On motion of Representative Turner, the amendment offered by Representative Sanderson to the bill, H. 532, as amended, was tabled.

Yeas 46; Nays 40.

Yea:

Representatives Bandy, Black (L), Black (M), Box, Boyd, Buskey, Clark (W), Crigler, Dean, Drake, Dukes, Ford, Fuller, Galliher, Gaston, Graham, Guin, Hall (A), Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Laird, Lindsey, Maull, McClammy, Melton, Millican, Minnifield, Morrow, Murphree, Newton (D), Perdue, Pringle, Robinson, Rogers (M), Spratt, Starkey, Thomas (J), Turner, Vance, Warren and Wren.

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Nay:

Representatives Allen, Baker, Burke, Carns, Carothers, Clouse, Curry, Dolbare, Flowers, Gaines, Gipson, Hammett, Haney, Hayden, Houston, Jackson, Johnson (R), Knight (J), McAdory, McDaniel, McKee, McMillan, Mitchell, Moore, Morrison, Morton, Newton (C), Papucci, Parker (T), Payne, Penry, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Venable and White.

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**MOTION TO ADJOURN LOST**

The motion offered by Representative Clark (W) that the House adjourn until 1:00 o'clock p.m., Tuesday, April 9, 1996, was lost.

**H. 532 RESUMED****AMENDMENT OFFERED**

Representative Rogers (J) offered the following amendment #1 to the bill, H. 532, as amended:

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To amend H. 532 as substituted by deleting lines 1 through 9 in their entirety and inserting in lieu thereof the following: "the State Treasury."

Further amend the bill on page 2 line 25 by adding after the word "state" the following. "district, circuit or appellate court"

**MOTION TO TABLE LOST**

The motion offered by Representative Black (M) to table the amendment #1 offered by Representative Rogers (J) to the bill, H. 532, as amended, was lost.

Yeas 35; Nays 48.

Yea:

Representatives Black (L), Black (M), Box, Burke, Drake, Ford, Fuller, Galliher, Guin, Hall (A), Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Knight (A), Laird, McClammy, Melton, Millican, Minnifield, Morrow, Murphree, Newton (C), Newton (D), Page, Perdue, Robinson, Rogers (M), Spratt, Starkey, Turner, Warren and Wren.

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Nay:

Representatives Allen, Bandy, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Gipson, Graham, Haney, Hayden, Hilliard, Houston, Jackson, Johnson (R), Kennedy, McAdory, McDaniel, McKee, McMillan, Moore, Morrison, Morton, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Turnham, Vance, Venable, White and Willis.

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**RESOLUTION**

The following resolution was introduced:

By Representative Boyd:

H.J.R. 347. COMMENDING CHRISTOPHER J. REICH AS DIRECTOR OF THE ANNISTON MUSEUM OF NATURAL HISTORY.

The resolution, H.J.R. 347, was read and referred to the Standing Committee on Rules.

### H. 532 RESUMED

### AMENDMENT TABLED

The question was then on the adoption of the amendment #1 offered by Representative Rogers (J) to the bill, H. 532, as amended, and on motion of Representative Laird, the amendment #1 was tabled.

Yeas 45; Nays 43.

Yea:

Representatives Black (L), Black (M), Burke, Carter, Drake, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Johnson (E), Knight (A), Laird, Lindsey, McClammy, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Perdue, Robinson, Rogers (M), Spratt, Starkey, Turner, Turnham, Vance, Warren, Willis and Wren.

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Nay:

Representatives Allen, Baker, Bandy, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dukes, Flowers, Hammett, Haney, Hayden, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, McAdory, McKee, Mitchell, Moore, Morton, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Venable and White.

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### MOTION IN WRITING OFFERED

Representative Turner offered the following Motion in Writing relating to the bill, H. 532, as amended:

I move the previous ques.



**MOTION IN WRITING LOST**

And the Motion in Writing was lost, lacking a three-fifths vote.

Yeas 37; Nays 30.

Yea:

Representatives Black (M), Burke, Carter, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hill, Hinshaw, Hooper, Houston, Johnson (E), Jorgensen, Laird, Lindsey, Morrison, Murphree, Newton (D), Papucci, Parker (P), Pringle, Rogers (M), Smith, Starkey, Thomas (J), Turner, Turnham, Vance, Warren, White and Wren.

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Nay:

Representatives Baker, Bandy, Buskey, Carns, Clark (W), Clouse, Graham, Hall (L), Hammett, Haney, Hawkins, Hayden, Jackson, Kennedy, McMillan, Minnifield, Mitchell, Moore, Newton (C), Parker (T), Payne, Penry, Perdue, Reed, Rogers (J), Sanderford, Sanderson, Seibenhener, Townsend and Venable.

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**AMENDMENT OFFERED**

Representative Thomas (D) offered the following amendment to the bill, H. 532, as amended:

To amend H. 532 on page 4 by adding after line 4 the following new section 5 and renumbering accordingly:

"Section 5. The four percent increase granted in this act shall only apply to the first \$60,000 of an employee's salary."

**AMENDMENT TABLED**

On motion of Representative Turner, the amendment offered by Representative Thomas (D) to the bill, H. 532, as amended, was tabled.

Yeas 60; Nays 22.

Yea:

Representatives Black (L), Black (M), Burke, Buskey, Carns, Carter, Clark (W), Curry, Dean, Drake, Dukes, Flowers, Ford, Gaston, Gipson, Graham, Guin, Hall (A), Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Kennedy, Knight (J), Laird, Lindsey, McAdory, McClammy, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Perdue, Reed, Robinson, Rogers (M), Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Warren, Willis and Wren.

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Nay:

Representatives Allen, Baker, Bandy, Clouse, Collins, Dolbare, Hamilton, Haney, Jackson, Jorgensen, McKee, McMillan, Mitchell, Moore, Newton (C), Payne, Penry, Sanderford, Sanderson, Seibenhener, Thomas (D) and Venable.

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## RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Page:

H.R. 348. CONGRATULATING PAT MCWHORTER ON THE OCCASION OF HIS 40TH BIRTHDAY.

## H. 532 RESUMED

## AMENDMENT OFFERED

Representative Rogers (J) offered the following amendment #2 to the bill, H. 532, as amended:

To amend H. 532 as substituted on page 3 by deleting lines 1 through 9 in their entirety and inserting in lieu thereof the following: "the State Treasury."

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Further amend the bill on page 2 line 25 by adding after the word "state" the following: "district, circuit or appellate court".

Further amend the bill on page 2 line 3 by deleting the words "and circuit judges".

**AMENDMENT TABLED**

On motion of Representative Hill, the amendment #2 offered by Representative Rogers (J) to the bill, H. 532, as amended, was tabled.

Yeas 38; Nays 37.

Yea:

Mr. Speaker, Black (M), Box, Burke, Crigler, Dolbare, Drake, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Hill, Hinshaw, Hogan, Holmes, Hooper, Johnson (E), Knight (J), Laird, Lindsey, McClammy, McMillan, Melton, Millican, Murphree, Newton (C), Page, Robinson, Rogers (M), Turner, Vance, Warren, Willis and Wren.

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Nay:

Representatives Allen, Baker, Bandy, Boyd, Carns, Carothers, Clouse, Curry, Dean, Dukes, Flowers, Haney, Hayden, Houston, Johnson (R), Jorgensen, McAdory, McDaniel, McKee, Moore, Morton, Papucci, Parker (T), Payne, Penry, Pringle, Reed, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Thomas (D), Townsend, Venable and White.

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**AMENDMENT OFFERED**

Representative Fuller offered the following amendment #2 to the bill, H. 532, as amended:

Amend House Bill 532 as substituted on page 4, after line 11 by adding a new Section 5 and renumbering all subsequent sections accordingly:

"Section 5. The pay raise for state employees authorized herein is conditioned upon a funding source of \$16,000,000 for the State General Fund being identified and certified by the State Finance Director, the Chair of the House Ways and Means Committee and the Chair of the Senate Committee on Economic Expansion and Trade to be available for such pay raise. Such certification shall be signed and delivered to each member of the Legislature."

### AMENDMENT TABLED

On motion of Representative Turner, the amendment #2 offered by Representative Fuller to the bill, H. 532, as amended, was tabled.

Yeas 46; Nays 31.

Yea:

Representatives Baker, Black (M), Burke, Carns, Collins, Drake, Dukes, Flowers, Gaines, Gipson, Graham, Guin, Hammett, Hawkins, Hill, Hinshaw, Hooper, Houston, Johnson (R), Knight (J), Laird, Maull, McAdory, McClammy, Minnifield, Morrison, Murphree, Page, Papucci, Parker (P), Parker (T), Payne, Robinson, Rogers (M), Seibenhener, Sims, Smith, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Wren.

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Nay:

Mr. Speaker, Allen, Bandy, Buskey, Carothers, Clark (W), Clouse, Crigler, Dean, Dolbare, Fuller, Galliher, Hamilton, Haney, Hayden, Hilliard, Holmes, Jorgensen, Kennedy, McKee, McMillan, Melton, Moore, Morton, Newton (C), Penry, Pringle, Rogers (J), Sanderford, Sanderson and Spratt.

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### AMENDMENT OFFERED

Representative McKee offered the following amendment to the bill, H. 532, as amended:

To amend H. 532 on page 4 by adding after line 4 the following new section 5 and renumbering accordingly:

"Section 5. The four percent increase granted in this act shall only apply to the first \$70,000 of an employee's salary."

**MOTION TO ADJOURN LOST**

The motion offered by Representative Sanderford that the House adjourn until 1:00 o'clock p.m., Tuesday, April 9, 1996, was lost.

Yeas 40; Nays 41.

Yea:

Mr. Speaker, Baker, Bandy, Box, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dukes, Fuller, Galliher, Graham, Hamilton, Hammett, Haney, Hayden, Hogan, Holmes, Jackson, Johnson (R), Jorgensen, Kennedy, Layson, Maull, McAdory, McDaniel, McMillan, Moore, Morton, Newton (C), Parker (T), Reed, Sanderford, Seibenhener, Spratt, Townsend and Venable.

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Nay:

Representatives Black (M), Boyd, Burke, Carothers, Dean, Dolbare, Drake, Flowers, Gaines, Gaston, Gipson, Guin, Hill, Hilliard, Hinshaw, Hooper, Houston, Knight (J), Laird, McKee, Melton, Millican, Minnifield, Mitchell, Morrison, Murphree, Page, Perdue, Pringle, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Thomas (D), Turner, Turnham, Vance, Warren, White and Wren.

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**H. 532 RESUMED**

**MOTION IN WRITING OFFERED**

Representative Turner offered the following Motion in Writing relating to the bill, H. 532, as amended:

I move the previous question.

**MOTION IN WRITING LOST**

And the Motion in Writing was lost.

Yeas 28; Nays 41.

Yea:

Representatives Black (M), Burke, Dean, Drake, Dukes, Galliher, Gipson,

Graham, Guin, Hill, Hinshaw, Hooper, Johnson (E), Jorgensen, Laird, Morrison, Murphree, Page, Papucci, Rogers (M), Sims, Smith, Thomas (D), Turner, Vance, Warren, White and Wren.

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Nay:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Boyd, Buskey, Carns, Clark (W), Clouse, Collins, Fuller, Gaston, Hammett, Haney, Hawkins, Hayden, Hogan, Holmes, Houston, Jackson, Kennedy, Layson, McDaniel, McKee, McMillan, Minnifield, Mitchell, Moore, Newton (C), Parker (T), Payne, Penry, Rogers (J), Sanderford, Sanderson, Seibenhener, Thomas (J), Townsend, Turnham and Venable.

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The question was then on the adoption of the amendment offered by Representative McKee to the bill H. 532, as amended.

#### ADJOURNMENT

On motion of Representative Hamilton, the House adjourned until 1:00 o'clock p.m., Tuesday, April 9, 1996.

Yeas 49; Nays 37.

Yea:

Mr. Speaker, Bandy, Black (L), Box, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Dukes, Fuller, Galliher, Graham, Hall (L), Hamilton, Hammett, Haney, Hayden, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Layson, McAdory, McDaniel, McMillan, Moore, Morton, Newton (C), Papucci, Parker (T), Payne, Penry, Reed, Robinson, Sanderford, Seibenhener, Spratt, Thomas (J), Townsend, Vance and Venable.

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Nay:

Representatives Black (M), Boyd, Burke, Carothers, Drake, Flowers, Gaines, Gaston, Gipson, Guin, Hawkins, Hill, Hilliard, Hinshaw, Hooper, Knight (J), Lindsey, McKee, Melton, Millican, Minnifield, Mitchell, Murphree, Page, Perdue, Pringle, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Thomas (D), Turner, Turnham, Warren, White and Wren.

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**EIGHTEENTH DAY**

**House of Representatives  
Montgomery, Alabama  
Tuesday, April 9, 1996**

The House met pursuant to adjournment.

**PRAYER**

The session was opened with prayer by Reverend John M. Brannon, Woodland United Methodist Church, Montgomery, Alabama.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Laurie Avant, Senior, Montgomery Academy, Montgomery, Alabama.

**ROLL CALL**

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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A quorum was present.

**REPORT OF STANDING COMMITTEE ON RULES**

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the seventeenth legislative day and finds the same to be correct.

TOMMY CARTER  
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the seventeenth legislative day was dispensed with.

**MOTION TO ADJOURN ADOPTED**

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 9:00 o'clock a.m. on Thursday, April 11, 1996, and the motion was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 339. COMMENDING OAKWOOD COLLEGE ON ITS 100TH ANNIVERSARY.

WHEREAS, Oakwood College, Huntsville, Alabama, is celebrating its 100th Anniversary, and it is appropriate at this time that special public attention be drawn to the institution for the educational opportunities that it has provided to students throughout the years, and for the important role it has played in the history of the local community; and

WHEREAS, Oakwood College, which was founded as Oakwood Industrial School on November 16, 1896, opened with 16 students, and enrollment has increased dramatically to over 1600 students; and

WHEREAS, Oakwood College holds an unparalleled record in enrolling students who are eagerly sought by prominent national and international organizations; and

WHEREAS, in recognition of Oakwood College, April 4-7, 1996, has hereby been proclaimed Oakwood College Weekend by the State of Alabama; and



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WHEREAS, Oakwood College has progressed from an Industrial School to a College of Fine Arts, and has embraced the very best of the traditional school curriculum; and

WHEREAS, Oakwood College has earned a position of great distinction among educational institutions, and many of its graduates have become successful in a variety of professional careers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we applaud the students, teachers, staff, and administrators of the school for the outstanding success of its educational program, and extend sincere congratulations to Oakwood College on its 100th Anniversary.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented for appropriate presentation and display.

On motion of Representative Carter, the resolution, H.J.R. 339, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 343. HONORING SARAH E. HINES UPON HER RETIREMENT FROM THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

WHEREAS, Sarah E. Hines is retiring as Executive Director to the Board of Registration of Professional Engineers and Land Surveyors after 39 years of loyal and dedicated service; and

WHEREAS, a true pioneer in the engineering and land surveying business, Ms. Hines began employment with the board on March 15, 1957, and has worked with 26 of the board's 33 members; and

WHEREAS, known as the "in charge" person, Ms. Hines has served the board as Executive Secretary and Executive Director since 1965; she administers board policies, schedules and attends nominating committee meetings and public hearings, and serves as Proctor for FE, PE, and LS examinations; and

WHEREAS, the winner of the distinguished 1992 Meritorious Service Award, Ms. Hines is a master motivator, and has used her innate talent and extensive knowledge to best serve the Board of Registration for Professional Engineers and Land Surveyors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Sarah E. Hines on the accomplishments of her long and distinguished career, and further direct that she receive a copy of this resolution with sincere best wishes for a rewarding and gratifying retirement.

On motion of Representative Carter, the resolution, H.J.R. 343, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 344. ADDING AN ADDITIONAL MEMBER TO THE ECONOMIC DEVELOPMENT LEGISLATIVE ADVISORY COMMISSION.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Economic Development Legislative Advisory Commission, created by Act 95-763, SJR 113 (Acts of 1995, p. 1789), shall, in addition to other members specified by Act 95-763, include a representative of the Alabama Rural Electric Association of Cooperatives.

On motion of Representative Carter, the resolution, H.J.R. 344, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 347. COMMENDING CHRISTOPHER J. REICH AS DIRECTOR OF THE ANNISTON MUSEUM OF NATURAL HISTORY.**

WHEREAS, it is in shared gratitude and appreciation that the Alabama Legislature commends Christopher J. Reich, Director, Anniston Museum of Natural History, for his personal generosity and perseverance toward the expansion and enhancement of the Anniston Museum of Natural History; and

WHEREAS, Mr. Reich began employment with the Museum in October 1982, and has gained prominence for the creation of the Development and Collections Department, Museum Outreach Program, and the Changing Exhibit Gallery; and

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WHEREAS, hosting numerous receptions for state, regional, and national Museum conferences, annual admissions have grown from 50,000 to 100,000, and memberships from 865 to 1,500; and

WHEREAS, Mr. Reich has staunchly supported projects and programs to benefit staff development, and has been instrumental in the establishment of the Anniston Museum Endowment Corporation; and

WHEREAS, a working man of vision who has always had the best interest of the Anniston community in mind, Mr. Reich has served as President of both the Alabama Museums Association and Anniston High School PTO, and on both the Board of Directors of Coosa Valley Youth Services and Anniston Rotary Club, among others; and

WHEREAS, the Anniston Museum of Natural History has been blessed with the capability of a man who has played a vital role in the formation, growth, and progress of the Museum; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we take great pride in commending Christopher J. Reich for his outstanding community achievements and for his exemplary service with the Anniston Museum of Natural History.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Reich with our sincere best wishes for continued success in the future.

On motion of Representative Carter, the resolution, H.J.R. 347, was adopted.

**BILLS ON SECOND READING**

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 859. (With Substitute): To provide for the election of certain circuit judgeships.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 809. (With Substitute): To create three additional circuit judgeships in the Tenth Judicial Circuit, Birmingham Division, and an additional district judgeship for Jefferson County, Birmingham Division.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 470. (With Substitute) (With Amendment): To provide for the establishment of the Alabama Public Education Equipment Loan Authority; to permit the authority to issue bonds for the purpose of making equipment loans to educational institutions to finance equipment costs; and to require each educational institution that receives an equipment loan to maintain a dedicated source of revenue to repay such equipment loans.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 62. To amend Section 6-2-33 of the Code of Alabama 1975, which provides for the statute of limitations for certain civil actions against sheriffs, coroners, constables, and other public officers for nonfeasance, misfeasance and malfeasance in office, to further provide that the statutory period for action against the officers would apply only to actions brought by or on behalf of the State of Alabama, a county, a municipality, or other political subdivision of the state; and to provide an effective date.

H. 362. Providing for distinctive motor vehicle license tags or plates to honor cattle producers; prescribing the fees for the tags or plates; providing for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 113. (With Substitute): To allow an active and contributing member of the Teachers' Retirement System to purchase a certain amount of service credit in the system of time spent on maternity leave and to provide for a period of time for purchase of the service credit.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 468. To amend Section 1 of Act No. 95-212 of the 1995 Regular Session, now appearing as Section 34-37-5 of the Code of Alabama 1975, to provide further for the disposition of certain funds of the Alabama Plumbers and Gas Fitters Examining Board.

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H. 710. To amend Section 8-17-91, Code of Alabama 1975, relating to permit fees collected by the Commissioner of Agriculture and Industries, to provide further for the formula and percentages of the distribution of the proceeds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 780. (With Amendment): To provide distinctive motor vehicle license tags or plates to supporters of the Alabama Sheriffs' Youth Ranches; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 667. (With Substitute): To amend Sections 40-21-83 and 40-21-103, Code of Alabama 1975; to provide further for specific exclusions from the gross receipts of utilities.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 717. Relating to Franklin County; to provide for the nomination of the Franklin County Superintendent of Education.

H. 851. Relating to Clarke County; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant power and authority to the Clarke County Health Department to enforce littering laws in Clarke County; and to prescribe fines for violations.

Representatives Petelos and Minnifield, Co-Chairpersons of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 259. Relating to Jefferson County; to amend Section 3 of Act No. 89-635 of the Legislature of Alabama to increase the monthly expense allowance for County Commissioners from Four Hundred Dollars (\$400.00) per month to Seven Hundred Dollars (\$700.00) per month.

H. 207. To authorize the incorporation in any Class 1 municipality in the State of Alabama of an Urban Redevelopment Authority; to authorize an Urban Redevelopment Authority to designate and define the areas of the redevelopment districts; to provide for the election and compensation of directors of any authority; to provide for the powers and duties of the authority, its board of directors, and its officers; to authorize the authority to acquire all real and personal properties, provided that the property shall be located wholly within the urban redevelopment districts as defined; to authorize any authority to lease properties to others and grant options to any lessee; to provide for the issuance by any authority of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of its properties; to provide that in certain circumstances the securities shall constitute negotiable instruments; to provide that the securities may be secured by a pledge of the revenues and receipts from which they are payable; to authorize the authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate, or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state, or local government or allow them to use facilities or services of the authority; to make loans to persons or entities for the costs of a project on the security; to provide for the employment by any authority of any personnel as its business may require; to require the authority to be insured; to require payments in lieu of taxes to be for the authority's purposes; to provide for the investment of funds of any authority; to provide for the use of the proceeds of any securities issued by any authority; to provide for the refunding, by the issuance of securities of any authority, of securities theretofore issued by it; to provide that the securities issued and contracts entered into by the authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality, or political subdivision of the state; to make the securities issued by the authority eligible investments for various governmental bodies and fiduciaries; to provide that any authority may publish a notice of the adoption of a resolution authorizing the issuance of bonds by the authority, and to provide that any action or proceeding questioning the validity of the bonds, or any pledge, mortgage, and deed of trust or trust indenture securing the bonds, or the proceedings authorizing the bonds, would be commenced within 30 days after the first publication of the notice; to exempt the income of any authority, and all conveyances, leases, mortgages, and deeds of trust to which any authority is a party, from all taxation in the state except for the state ad valorem taxes; to exempt every authority from all license and excise taxes in which an authority may engage and to exempt the authority from payment of certain charges to judges of probate; to exempt every authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt every authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any authority; to provide for the dissolution of any authority and the disposition of its property; to limit to one the number of authorities which may exist in any Class 1 municipality at any one time; to give the authority the power of eminent domain; to authorize political subdivisions, agencies, instrumentalities, and public

corporations of the state to aid the authority without any public election; to require the treasurer to obtain a fidelity bond; to require compliance with the competitive bid law with respect to any projects receiving public funds; to require a public hearing prior to the expenditure of any public funds; to provide for the reincorporation of, and to validate the acts of, certain authorities previously established; to authorize a system of tax increment financing of certain infrastructure improvements from certain revenue increases produced by the redevelopment for a period not to exceed 20 years under agreement with the municipality; to provide that the provisions of this act are cumulative and severable; and to provide for an effective date.

H. 832. To amend subsection (f) of Amendment No. 386 to the Constitution of Alabama of 1901, providing for the operation of bingo in Jefferson County under certain conditions by nonprofit organizations for charitable and educational purposes, to provide that the amounts of prizes shall not exceed the amounts set by local law.

The above bill was read a second time at length as required by the Constitution.

Representatives Petelos and Minnifield, Co-Chairpersons of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 495. (With Amendment): To amend Section 11-41-1 of the Code of Alabama 1975, relating to the authority and petition for an unincorporated community to incorporate, to provide further for the special procedures in counties having a population of 600,000 or more.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 835. Relating to Crenshaw County; provides that this act shall be designated as "Crenshaw 1st," an act of Crenshaw countians helping Crenshaw countians; authorizing the Crenshaw County Commission to levy certain additional taxes; to provide for the collection, distribution and use of the proceeds of such taxes; to provide for the enforcement of this act by the State Department of Revenue; to prescribe penalties and fix punishment for violation of this act; and to provide that the authorization of the county governing body to levy the additional taxes authorized in this act must first be approved by a majority of the electors of Crenshaw County in a referendum.

H. 852. Relating to Dale County; to amend Act No. 86-379, H. 578, 1986 Regular Session (Acts 1986, p. 565), authorizing and providing for the establishment, maintenance, operation, and financing of a public law library in the county; to increase the fee and further provide for the use of the funds.

H. 854. Relating to Chilton County; providing for additional costs and charges in all circuit and district court cases, excluding the small claims division and domestic relations division; providing for a monthly supervision fee in juvenile cases; providing for the establishment of a Juvenile Court Services Fund and a Judicial Administration Fund in the county; and providing for the distribution of the funds.

### INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Morrison:

H. 872. To amend Sections 34-8-2 and 34-8-7, Code of Alabama 1975; to exempt certain general contractors from licensure by the Home Builder's Licensure Board.

### COMMITTEE ON BANKING

By Representatives Ford and Page (With Notice and Proof):

H. 873. To amend Section 16-11-2 of the Code of Alabama 1975, to provide that only one classroom teacher may serve as a member of the Board of Education of the City of Attalla.

### COMMITTEE ON EDUCATION

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 873, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Millican (With Notice and Proof):

H. 874. Relating to Marion County; to further amend Section 2 of Act No. 80-128, H. 603, 1980 Regular Session (Acts 1980, p. 191), to provide for the sale or disposal of property under the control of the county commission to a municipal or other governmental entity in the county without the necessity of public auction or sealed bids.



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I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 874, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Morrow:

H. 875. To amend Section 32-5-171 of the Code of Alabama 1975, relating to arrest without a warrant; to provide that a person involved in an accident may be arrested without a warrant for certain traffic violations.

COMMITTEE ON JUDICIARY

By Representative McMillan:

H. 876. To provide that a person who has been shown to have rendered three false alarms and who renders another false alarm may be required to pay the costs incurred by the local fire and law enforcement departments in responding to the alarm.

COMMITTEE ON JUDICIARY

By Representatives McMillan, White, Penry, and Warren (With Notice and Proof):

H. 877. Relating to Baldwin County; authorizing the sheriff to operate a jail store and a telephone system for prisoners in county custody; providing for the deposit, distribution, and auditing of monies earned; and confirming and ratifying certain prior actions.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 877, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Jackson:

H. 878. To amend Section 36-27-49.3 of the Code of Alabama 1975, to provide further for the purchase of military service credit in Employees' or Teachers' Retirement System or the Judicial Retirement Fund.

COMMITTEE ON WAYS AND MEANS

By Representative Baker (With Notice and Proof):

H. 879. Relating to Henry County, providing further for additional costs and charges in all Juvenile Court cases, and providing for the establishment of a Juvenile Court Services Fund in the county and the distribution of such funds.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 879, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Johnson (R):

H. 880. To propose an amendment to the Constitution of Alabama of 1901 to levy an additional excise tax on the wholesale sale of canned or bottled soft drink beverages and the bulk syrup or powders used to produce such beverages; to provide for the collection and distribution of the net proceeds of such tax by the state revenue department; to exempt certain beverages from the provisions of this act; and to provide certain definitions.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representative Papucci:

H. 881. To amend Sections 32-6-61 of the Code of Alabama 1975, relating to the licensing and registration of motor vehicles, to further provide for the time period to register a newly acquired motor vehicle.

COMMITTEE ON COMMERCE,  
TRANSPORTATION AND UTILITIES

By Representatives Jorgensen, Papucci, Allen, Dukes, Sanderford, Hinshaw, Hawk, Thomas (D), Hall (L), Gipson, Hill, McDaniel, Townsend, Payne, Haney, and Galliher:

H. 882. Relating to the Department of Human Resources; to require preliminary and fingerprints records check of persons employed with day care centers, group day care homes, family day care homes, foster homes, and child care institutions; and to provide penalties for violations.

COMMITTEE ON STATE ADMINISTRATION

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By Representatives Jorgensen, Papucci, Johnson (E), Sanderson, Sanderford, Black (M), Minnifield, Townsend, and Allen:

H. 883. To create the crime of criminal participation in a gang; to provide penalties for violations; and to provide for sentence enhancement.

**COMMITTEE ON JUDICIARY**

By Representative Carns:

H. 884. To amend Section 11-41-1 of the Code of Alabama 1975, relating to the incorporation of municipalities, to further provide for the number of qualified electors required to reside in each quarter of each quarter section of the territory proposed in order for the territory to be included in the proposed municipality.

**COMMITTEE ON LOCAL GOVERNMENT**

By Representative Hooper:

H. 885. To amend Section 36-21-8, Code of Alabama 1975, which entitles certain law enforcement officers and investigators to receive their badge and pistol upon retirement, to include State Capitol Police Officers in the law enforcement officers entitled to receive their badge pistol upon retirement.

**COMMITTEE ON STATE ADMINISTRATION**

By Representatives Hooper, Ford, Flowers, Turnham, Carter, White, Dean, Gaston, McKee, Wren, Willis, McMillan, Hogan, Penry, Vance, Laird, Holmes, Seibenhener, Moore, Clouse, Smith, Sanderson, Crigler, Hawkins, Collins, Layson, Hamilton, Carns, Jorgensen, Papucci, Hawk, Guin, Allen, Haney, Curry, Morton, Rogers (M), Gipson, Knight (A), Hill, Gaines, Thomas (D), Petelos, McDaniel, Sanderford, Burke, Drake, and Pringle:

H. 886. Relating to the public schools; to provide a brief period of quiet reflection at the opening of school every day in each public school classroom; and to repeal Section 16-1-20.1, Code of Alabama 1975.

**COMMITTEE ON STATE ADMINISTRATION**

By Representative Venable:

H. 887. To provide that any probate judge retired under the Judicial Retirement Fund shall be entitled to receive all cost-of-living adjustments provided for retired state employees after the effective date of this act.

**COMMITTEE ON WAYS AND MEANS**

By Representatives Rogers (J), Sanderson, McAdory, Houston, Newton (D), Townsend, Payne, Black (M), and Spratt:

H. 888. To require a business entity operating an electronic monitoring company to open a branch office and employ a qualifying agent.

COMMITTEE ON BUSINESS AND LABOR

By Representative Sims:

H. 889. To provide for quality health care standards in Alabama's health care facilities by establishing staffing standards.

COMMITTEE ON HEALTH

By Representatives Guin and Hogan:

H. 890. To amend Section 17-1-7, Code of Alabama 1975; to delete the requirement for city and county employees seeking a political office to take unpaid leave of absence or use accrued overtime or vacation time.

COMMITTEE ON LOCAL GOVERNMENT

**RESOLUTIONS**

The following resolution was introduced:

By Representative Morton:

H.J.R. 349. COMMENDING DR. HARPER SHANNON FOR HIS FAITHFUL SERVICE TO THE GOSPEL MINISTRY.

WHEREAS, on Sunday April 14, 1996, members and friends of Huffman Baptist Church, Birmingham, Alabama, will gather to honor Dr. Harper Shannon, and to celebrate his 50 years of faithful service to the Gospel ministry; and

WHEREAS, as Associate to the Executive Secretary-Treasurer of the Alabama Baptist State Board of Missions and Director of Evangelism since March 1, 1985, Dr. Harper Shannon is responsible for planning, promoting, and implementing the total program of Evangelism through more than 3,000 churches and 75 associations in cooperation with the Alabama Baptist State Convention; and

WHEREAS, even from an early age when he entered first grade at Huffman Elementary School in Birmingham in 1937, it was apparent that Harper Shannon was an exceptional student with outstanding leadership abilities; it was equally apparent that he would follow God's call to the ministry when he preached his first sermon at Huffman Baptist Church at age 15; and

WHEREAS, following graduation from West End High School in Birmingham, he earned his B. A. degree from Howard College, a Master of Divinity from Southern Baptist Theological Seminary, and a Doctor of Divinity from Samford University, and began his ministry at Harmony Baptist Church, Birmingham, Alabama, followed successively by pastorates at First Baptist Church, Ghent, Kentucky; Eastern Hills Baptist Church, Montgomery; First Baptist Church, Dothan; and at Huffman Baptist Church in Birmingham until 1985; and

WHEREAS, over the last half century, Dr. Shannon has provided invaluable leadership to countless areas of denominational service, including the Southern Baptist Convention, the Alabama Baptist State Convention, the Home Mission Board and Sunday School Board of the Southern Baptist Convention, and the Alabama Retirement Centers, to name a few; and

WHEREAS, he has served the community with equal dedication in such capacities as Chairman of the Greater Dothan Billy Graham Crusade, as a member of the Youth Committee of the Dothan Chamber of Commerce, and presently as Director of the Alabama Citizens Action Program, and Foreman of the Special Grand Jury, Montgomery County; he also has authored numerous religious articles and publications over the years; and

WHEREAS, indeed, Dr. Shannon is a devoted servant of God whose life and service bear eloquent testimony to his integrity, ability and tireless devotion, and his recognition on this special occasion is a highly deserved honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in celebration of his 50th Anniversary of service to the Gospel ministry, and in tribute to his many outstanding contributions of service, highest commendation is hereby accorded Dr. Harper Shannon, for whom a copy of this resolution shall be provided.

On motion of Representative Morton, the rules were suspended and the resolution, H.J.R. 349, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Morton:

H.R. 350. COMMENDING DR. HARPER SHANNON FOR HIS FAITHFUL SERVICE TO THE GOSPEL MINISTRY.

**BILLS ON THIRD READING****BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Ford, the Budget Isolation Resolution relating to the bill, H. 722, was adopted.

Yeas 42; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Carter, Clouse, Collins, Drake, Ford, Guin, Hall (A), Hammett, Hill, Hilliard, Hogan, Hooper, Jorgensen, Knight (A), Lindsey, McAdory, McClammy, Melton, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Perdue, Reed, Robinson, Rogers (J), Sanderson, Seibenhener, Smith, Spratt, Starkey, Turnham, Venable and Willis.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 722. Relating to Etowah County; providing further for the amount of sales and use tax levied on certain equipment and motor vehicles; and providing for a retroactive effect.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Buskey, Carothers, Carter, Clark (W), Clouse, Curry, Dean, Drake, Flowers, Gaines, Gaston, Guin, Hall (A), Hamilton, Hammett, Hill, Hilliard, Hogan, Holmes, Johnson (R), Jorgensen, Knight (A), Lindsey, McAdory, McClammy, Melton, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Parker (T), Perdue, Petelos, Reed, Robinson, Rogers (J), Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (J), Turnham, Warren and Willis.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Page, the Budget Isolation Resolution relating to the bill, H. 763, was adopted.

Yeas 48; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Box, Buskey, Carter, Clouse, Collins, Curry, Dolbare, Drake, Flowers, Fuller, Gaines, Gipson, Guin, Hall (A), Hammett, Hill, Hilliard, Hinshaw, Holmes, Jorgensen, Knight (A), Melton, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Penry, Perdue, Robinson, Rogers (M), Smith, Spratt, Starkey, Thomas (D), Turnham, Venable, White and Willis.

-48

**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 763. Relating to Etowah County; amending Act No. 80-442 of the 1980 Regular Session (Acts 1980, p. 674), providing for the board of trustees of the policemen's and firemen's retirement funds for the City of Gadsden.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 1.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Buskey, Carothers, Carter, Clouse, Curry, Dean, Dolbare, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hamilton, Hammett, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, McAdory, McClammy, Melton, Millican, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (T), Penry, Perdue, Petelos, Reed, Rogers (M), Smith, Spratt, Thomas (D), Thomas (J), Turnham, Venable, Warren, White and Willis.

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Nay:

Representative Drake.

- 1

### BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Galliher, the Budget Isolation Resolution relating to the bill, H. 764, was adopted.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Buskey, Carter, Collins, Curry, Dean, Flowers, Fuller, Gaines, Galliher, Gipson, Guin, Hall (A), Hammett, Hill, Hilliard, Hinshaw, Hogan, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, McAdory, Melton, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Penry, Perdue, Robinson, Rogers (J), Rogers (M), Sanderson, Smith, Spratt, Thomas (D), Thomas (J), Turnham, Venable, White and Willis.

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### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.



And the bill:

H. 764. Relating to St. Clair County; providing for an additional expense allowance and salary for the sheriff.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Buskey, Carothers, Clouse, Flowers, Gaines, Galliher, Gipson, Guin, Hall (A), Hilliard, Hogan, Johnson (R), Jorgensen, Laird, Lindsey, Melton, Millican, Moore, Morrison, Morrow, Murphree, Newton (C), Papucci, Parker (T), Perdue, Petelos, Robinson, Rogers (M), Sanderson, Seibenhener, Thomas (D), Turnham, Warren, White and Willis.

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#### **PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Thomas (J), the Budget Isolation Resolution relating to the bill, H. 808, was adopted.

Yeas 45; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Carter, Clouse, Curry, Drake, Gaines, Guin, Hammett, Hill, Hilliard, Hinshaw, Hogan, Holmes, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, Maull, McClammy, Melton, Millican, Moore, Murphree, Newton (C), Newton (D), Parker (T), Perdue, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Venable, Warren and Willis.

-45

**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 808. Relating to Wilcox County; proposing an amendment to the Constitution of Alabama of 1901; to levy an additional 15-mill ad valorem tax.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Drake, Flowers, Fuller, Gipson, Hamilton, Hammett, Haney, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, Melton, Millican, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (T), Penry, Perdue, Petelos, Reed, Rogers (M), Seibenhener, Smith, Spratt, Starkey, Thomas (J), Turner, Turnham, Venable, Warren, White and Willis.

-65

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Penry, the Budget Isolation Resolution relating to the bill, H. 774, was adopted.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Carothers, Carter, Clouse, Curry, Dean, Drake, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Hill, Hilliard, Hinshaw, Hogan, Holmes, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Penry, Perdue, Petelos, Reed, Robinson, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Turnham, Vance, Venable, Warren and Willis.

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And the bill:

H. 774. To alter or rearrange the boundary lines of the municipality of Spanish Fort, so as to include within the corporate limits of the municipal territory certain lands not already included therein; and to exempt for a period of twenty-five (25) years, the improvements and the signage presently on the property from any changes subsequently enacted by the City of Spanish Fort to the Building Codes ordinances and regulations, the signage codes, ordinances and regulations, electrical codes, or ordinances and regulations, mechanical codes, ordinances and regulations, and plumbing codes, ordinances and regulations, subject to certain specified conditions and limitations.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Carothers, Carter, Clouse, Curry, Dean, Dolbare, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Hilliard, Hinshaw, Hogan, Holmes, Jackson, Johnson (R), Jorgensen, Knight (J), Laird, Layson, Lindsey, McClammy, McMillan, Melton, Millican, Moore, Morrison, Morrow, Murphree, Newton (D), Page, Papucci, Penry, Perdue, Petelos, Robinson, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (J), Turnham, Vance, Venable and Willis.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative McMillan, the Budget Isolation Resolution relating to the bill, H. 794, was adopted.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Carothers, Carter, Clark (W), Clouse, Curry, Dean, Dolbare, Drake, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Hill, Hilliard, Hinshaw, Hogan, Holmes, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McClammy, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Penry, Perdue, Petelos, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Starkey, Thomas (D), Thomas (J), Turnham, Vance, Venable, Warren and Willis.

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And the bill:

H. 794. Relating to Baldwin County; prohibiting certain types of entertainment, attire, and conduct, having certain nudity, or sexual conduct, or the depiction or simulation thereof, upon the premises of an establishment within the unincorporated areas of Baldwin County, Alabama, which is licensed to sell, serve, or dispense alcoholic beverages or otherwise allow the consumption of alcoholic beverages on the premises.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Carothers, Carter, Clark (W), Clouse, Crigler, Dean, Dolbare, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Hilliard, Hinshaw, Hogan, Holmes, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Lindsey, McClammy, McMillan, Melton, Millican, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Penry, Perdue, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Turnham, Venable, Warren and Willis.

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#### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Maull, the Budget Isolation Resolution relating to the bill, H. 838, was adopted.

Yeas 49; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Drake, Ford, Gaines, Gipson, Hammett, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (R), Kennedy, Knight (A), Knight (J), Lindsey, McAdory, McClammy, Melton, Moore, Morton, Murphree, Newton (C), Newton (D), Parker (T), Petelos, Reed, Rogers (M), Sanderford, Seibenhener, Sims, Spratt, Starkey, Turnham, Venable, Warren and Willis.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 838. Relating to Dallas County; authorizing the county commission to levy an additional sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; and prescribing penalties and fixing punishment for violation of this act.

was taken up.

**AMENDMENT OFFERED**

Representative Maull offered the following amendment to the bill, H. 838:

On page 5, after line 22, insert the following language as a new Section 10 and renumber existing Section 10 as Section 11:

Section 10. Each individual Dallas County Commissioner voting to approve any payment from the proceeds of the tax levied pursuant to this act for any purpose not specifically authorized by law shall be individually liable for the disbursement of those funds.

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Box, Boyd, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dolbare, Drake, Flowers, Ford, Gaines, Gipson, Hamilton, Hammett, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Maull, McAdory, McClammy, Melton, Millican, Moore, Morton, Murphree, Newton (C), Newton (D), Parker (T), Penry, Petelos, Reed, Rogers (M), Seibenhener, Sims, Spratt, Starkey, Thomas (J), Turnham, Venable, Warren, White and Willis.

And the bill:

H. 838. Relating to Dallas County; authorizing the county commission to levy an additional sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; and prescribing penalties and fixing punishment for violation of this act.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Carter, Clark (W), Clouse, Curry, Dolbare, Drake, Flowers, Ford, Fuller, Gaines, Gipson, Guin, Hamilton, Hammett, Hill, Hilliard, Holmes, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McClammy, Melton, Millican, Moore, Morton, Murphree, Newton (C), Newton (D), Parker (T), Penry, Petelos, Reed, Rogers (M), Seibenhener, Sims, Smith, Starkey, Thomas (J), Turnham, Venable, Warren, White and Willis.

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#### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Carothers, the Budget Isolation Resolution relating to the bill, H. 709, was adopted.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Buskey, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Drake, Flowers, Fuller, Gaines, Gaston, Gipson, Guin, Hamilton, Hammett, Hill, Hilliard, Hinshaw, Hogan, Holmes, Jackson, Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Lindsey, McClammy, Melton, Millican, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Penry, Reed, Rogers (M), Sanderson, Seibenhener, Sims, Spratt, Starkey, Turnham, Venable, Warren, White and Willis.

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And the bill:

H. 709. Relating to Houston County; assessing an additional fee for any criminal or misdemeanor case proceeding in circuit, district, or juvenile court; providing for the collecting and disbursing of such funds; and prescribing that the revenue collected pursuant to the provisions of this act shall be paid into the county treasury to be expended by the county for juvenile related purposes.

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was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Buskey, Carothers, Clark (W), Clouse, Collins, Curry, Dolbare, Drake, Flowers, Fuller, Gaines, Gaston, Gipson, Guin, Hall (A), Hammett, Hill, Hilliard, Hogan, Holmes, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McClammy, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turnham, Venable, White and Willis.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Carothers, the Budget Isolation Resolution relating to the bill, H. 700, was adopted.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dolbare, Drake, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McClammy, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Penry, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Turnham, Vance, Venable, Warren, White and Willis.

-69

And the bill:

H. 700. To propose an amendment to the Constitution of Alabama of 1901, to authorize the Legislature to fix, regulate, and alter the costs and charges of court in Houston County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Dean, Flowers, Fuller, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hill, Hilliard, Hogan, Holmes, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McClammy, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Reed, Robinson, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White and Willis.

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#### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Moore, the Budget Isolation Resolution relating to the bill, H. 773, was adopted.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Drake, Flowers, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Lindsey, McClammy, Millican, Moore, Morrison, Morrow, Murphree, Newton (D), Papucci, Parker (P), Payne, Penry, Reed, Robinson, Rogers (J), Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable and Willis.

-60

And the bill:

H. 773. Relating to Coffee County; to provide that jury venires shall be selected from the county-at-large; and to provide that no person shall serve on more than one jury venire at a time.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.



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Yeas 52; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Carns, Carothers, Clouse, Collins, Curry, Drake, Gaines, Gaston, Gipson, Guin, Hamilton, Hammett, Hawkins, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Knight (A), Laird, McClammy, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Papucci, Parker (P), Payne, Penry, Petelos, Reed, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable and Willis.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**MESSAGE FROM THE GOVERNOR**

To The House of Representatives of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 430, without the Governor's signature and with a suggested Executive Amendment.

Done this 4th day of April, 1996.

Respectfully submitted,

WILLIAM P. GRAY  
Legal Advisor to the Governor

**MESSAGE FROM THE GOVERNOR**

To The House of Representatives of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 430, without my signature, but with the following suggested Executive Amendment:

**EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 430:**

Please amend House Bill No. 430 on page 8, line 21 by deleting the language beginning with the word "or" and continuing on through line 23 ending with the word "items". Also amend on line 21 by adding the word building after the word "administrative".

Further amend on page 20, line 27, by deleting the sentence beginning with the word "Whenever" and continuing on through page 21, line 4, ending with the word "notice."

Further amend on page 22, line 25 through page 23, line 2, by restoring the language which reads All proceedings of the board shall be reduced to writing by the secretary of the authority and recorded in a well-bound book and open to each director and to the public at all times.

Further amend on page 49, line 2 by deleting the phrase ", where feasible,".

Further amend on page 52, line 9 beginning with the comma (,) after the word "laws" by deleting the remainder of the sentence which ends on line 11 with the word "act" and inserting a period (.) in its place.

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done on this the 4th day of April, 1996.

Respectfully,

FOB JAMES, JR.  
Governor

**GOVERNOR'S MESSAGE**

On motion of Representative Rogers (J), the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 430, said Governor's amendment being set out in the foregoing Message from the Governor.

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1807

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Hooper, Houston, Jackson, Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Papucci, Parker (P), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren and White.

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**BILLS ON THIRD READING RESUMED**

**MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Turner, the rules were suspended in order to take up out of order the bill, S. 300.

Yeas 51; Nays 10.

Yea:

Mr. Speaker, Baker, Carothers, Carter, Collins, Dean, Dolbare, Flowers, Ford, Gaines, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Jorgensen, Knight (A), Knight (J), Laird, Layson, McAdory, McClammy, McDaniel, Melton, Morrison, Morrow, Newton (D), Parker (P), Parker (T), Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Thomas (J), Turner, Turnham, Vance and Venable.

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Nay:

Representatives Black (M), Crigler, Haney, Hogan, McKee, Newton (C), Papucci, Payne, Petelos and Willis.

-10

And the bill:

S. 300. Proposing an amendment to the Constitution of Alabama of 1901, to phase out existing supernumerary programs and provide that public officials may participate in the Employees' Retirement System of Alabama.

which was temporarily carried over on the seventeenth day was taken up.

### AMENDMENT OFFERED

Representative Clouse offered the following amendment #2 to the bill, S. 300:

On page 1, line 33, after the word "office" insert the following language:  
, except members of the Legislature,

### AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 67; Nays 5.

Yea:

Mr. Speaker, Allen, Baker, Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Jackson, Johnson (R), Kennedy, Knight (A), Laird, Layson, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Petelos, Robinson, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Venable, Warren, White, Willis and Wren.

-67

Nay:

Representatives Black (L), Hayden, Hilliard, Penry and Thomas (J).

- 5

And the bill, S. 300, as amended, was again read a third time at length and passed.

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Yeas 81; Nays 9.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White and Wren.

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Nay:

Representatives Crigler, Fuller, Gaston, Holmes, Hooper, Johnson (R), McMillan, Rogers (M) and Willis.

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**PERMISSION GRANTED**

Permission was granted for the Journal to reflect that Representative Morrison intended to vote "Yea" on passage of the bill, S. 300, as amended.

**RESOLUTION**

The following resolution was introduced:

By Rules Committee:

H.R. 351. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the Eighteenth legislative day, Tuesday, April 9, 1996, taking precedence over the regular order of business or any pending or unfinished business. Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the Following bills:

Inst Id	Page
H. 777 (By Sanderson)	147
Anatomical gifts, motor vehicle driver's license and nondriver ID, designation of organ donor on front, emergency personnel to send to hospital	
H. 631 (By Turner)	158
Education, sign language, credited as foreign language	
H. 111 (By Newton D)	9
Code of Alabama, editorial work of Code Commissioner, auth.	
H. 800 (By Johnson R)	147
Certificate of Need, exemption from, for cert. nursing homes, Sec. 22-21-265.2 added	
H. 805 (By Carns)	145
Business Helper Office estab. within Alabama Development Office hotline estab.	
H. 699 (By Newton C)	104
Alabama Family Trust, distrib. alt., Sec. 38-9B-5 am'd.	
H. 761 (By Knight A)	154
Excavations, call before you dig, exceptions, alt., Sec. 37-15-4 am'd.	
H. 413 (By Hamilton)	116
Christian Children Homes, Inc., sales and use tax exemption	
H. 389 (By McDaniel)	108
Employees' and Teachers' Retirement Systems, cost-of-living increase	

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H. 158 (By Dukes) 54

Local government entities, reimbursement to another government entity that employs law enforcement, firefighters, and cert. other employees for training costs, Sec. 36-21-7 am'd.

H. 504 (By Turnham) 71

Building contractors licensing bd., Secs. 34-8-1, 34-8-2, 34-8-4, 34-8-6, 34-8-7, 34-8-8, 34-8-9, 34-8-20, 34-8-22, 34-8-24, 34-8-28 am'd.

H. 496 (By Turnham) 70

Teachers' Retirement System, membs. may purchase prior service credit with Cooperative Extension Service of Auburn University

H. 256 (By Townsend) 36

Motor vehicles, accidents, reports to Public Safety Dept., time for filing extended, under cert. conditions, Sec. 32-7-5 am'd.

H. 217 (By Jackson) 33

Palm readers, fortune tellers, permit, license, privilege tax

H. 422 (By Knight J) 76

Public records, personnel records, access to alt., Sec. 36-12-40 am'd.

H. 223 (By Page) 17

Federally funded employment and training program, priority system for veterans

H. 224 (By Page) 83

Motor vehicles, distinctive license plate may be issued to retired military regardless of time in service, Sec. 32-6-291 am'd.

H. 296 (By Guin) 27

Assault in second degree, law enforcement officers, emergency medical personnel and teachers further provided for, Sec. 13A-6-21 am'd.

H. 788 (By Haney)	159
Foreign corporations, amt. of capital employed, alt., retroactive effect, Act 95-564, 1995 Reg. Sess. am'd.	
H. 696 (By Baker)	144
Motor vehicles, definition of for licensing and registration, to include self-propelled wheelchairs, Sec. 40-12-240 am'd.	
H. 403 (By Wren)	38
Insurance agents, continuing ed. for licensing by Dept. of Insurance, standards estab., fees	
H. 552 (By Guin)	50
Death penalty executions, victim's family auth. to attend under cert. conditions, Sec. 15-18-83 am'd.	
H. 103 (By Newton D)	8
Code of Alabama, copyright, purchasing, distrib., price, compilations, ownership, Secs. 36-13-5, 41-21-1, 41-21-4 to 41-21-8, inclusive, am'd., Secs. 41-21-2, 41-21-3 repealed	
H. 449 (By Wren)	56
Unemployment compensation, overpayment of claims alt., Secs. 25-4-145, 40-18-100 am'd.; Act 95-750, 1995 Reg. Sess. am'd.	
H. 86 (By Venable)	67
Motor vehicles, license plate, to stay with owner and not vehicle, procedures, duties to judge of probate or licensing officials, penalties, Rev. Dept. to administer, Sec. 40-12-260 am'd., Sec. 40-12-266 repealed	

On motion of Representative Carter, the resolution, H.R. 351, was adopted.

### SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.



**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Sanderson, the Budget Isolation Resolution relating to the bill, H. 777, was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Warren, White and Willis.

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**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 838. Relating to Dallas County; authorizing the county commission to levy an additional sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; and prescribing penalties and fixing punishment for violation of this act.

**TOMMY CARTER**  
Chairman

And the bill, H. 838, as engrossed, was ordered sent to the Senate.

**H. 777 TAKEN UP**

And the bill:

H. 777. (With Amendment): Relating to organ and tissue donation for medical purposes; to further provide the procedure for the designation of organ donors on motor vehicle driver's licenses and nondriver identification cards; and to provide for emergency medical personnel to take reasonable steps to transmit organ donation information to hospitals and other health care facilities in the case of accidents and traumas.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Health to the bill, H. 777, said committee amendment being as follows:

Amend H. 777 on Page 3, Section 1, line 2 after the words "each applicant" and before the colon by inserting the following: at point of issuance or renewal site

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White and Willis.

-77

And the bill:

H. 777. Relating to organ and tissue donation for medical purposes; to further provide the procedure for the designation of organ donors on motor vehicle driver's licenses and nondriver identification cards; and to provide for emergency medical personnel to take reasonable steps to transmit organ donation information to hospitals and other health care facilities in the case of accidents and traumas.

as amended, was read a third time at length and passed, and ordered engrossed.

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Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, H. 631, was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Ford, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McClammy, McDaniel, McMillan, Melton, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-80

And the bill:

H. 631. Relating to education; providing for sign language as a credited foreign language.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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#### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Newton (D), the Budget Isolation Resolution relating to the bill, H. 111, was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Hall (A), Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-84

And the bill:

H. 111. Relating to the compilation of the Code of Alabama 1975, prohibiting the altering of the sense, meaning, or effect of any act by the Code Commissioner in compiling the code; permitting the performance of specified editorial work by the Code Commissioner; providing that upon the adoption and incorporation of the annual cumulative supplement and each replacement volume

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into the code by statute, that supplement or replacement volume would be considered as part of the entire Code of Alabama and construed in the same manner as all other portions of the code; providing that this adoption and incorporation would constitute a continuous systematic codification of the entire code; providing that the statute specifying this adoption and incorporation would be construed as a law adopting a code; and declaring certain legislative findings.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Box, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, H. 800, was adopted.

Yeas 77; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrow, Morton, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-77

Nay:

Representative Mitchell.

- 1

And the bill:

H. 800. To add a new Section 22-21-265.2 to the Code of Alabama 1975, authorizing the State Health Planning and Development Agency to grant an exemption from certificate of need review for either the construction of a replacement of all or part of the beds of one or more nursing facilities or the transfer of nursing facility beds to another nursing facility in the same county, provided certain requirements are met.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (M), Sanderford, Sanderson, Seibenheher, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-83

Nay:

Representatives Mitchell and Morrison.

- 2

### PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Morrison inadvertently voted "Nay" and intended to vote "yea" on passage of the bill, H. 800.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Carns, the Budget Isolation Resolution relating to the bill, H. 805, was adopted.

Yeas 85; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 805. Establishing a Business Helper Resource Office to provide information to a prospective business and to establish a hotline.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

-86

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Newton (C), the Budget Isolation Resolution relating to the bill, H. 699, was adopted.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Gaines, Gaston, Guin, Hall (A), Hammett, Haney, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrow, Murphree, Papucci, Parker (P), Payne, Penry, Petelos, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

-68

And the bill:

H. 699. To amend Section 38-9B-5, Code of Alabama 1975, relating to the administration of the AFT Trust, to provide further for certain payments.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Knight (A), the Budget Isolation Resolution relating to the bill, H. 761, was adopted.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Burke, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Parker (T), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren and Willis.

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And the bill:

H. 761. To amend Section 37-15-4, Code of Alabama 1975, to provide further for location of any proposed excavation or demolition and for exemptions to the notice requirements.

was taken up.

**AMENDMENT OFFERED**

Representative Knight (A) offered the following amendment to the bill, H. 761:

Amend H. 761 on page 4, line 2, by striking the word "paint" and substituting in lieu thereof the following: "as the identifying color on stakes, flags, paint, bouys or clearly identifiable materials placed on the surface of the ground or water"

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-76

And the bill:

H. 761. To amend Section 37-15-4, Code of Alabama 1975, to provide further for location of any proposed excavation or demolition and for exemptions to the notice requirements.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White and Willis.

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#### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Hamilton, the Budget Isolation Resolution relating to the bill, H. 413, was adopted.

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Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 413. To exempt the Christian Children Homes, Inc., from the payment of all state, county, and municipal sales and use taxes.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Reed, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

-81

Nay:

Representative Dolbare.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative McDaniel, the Budget Isolation Resolution relating to the bill, H. 389, was adopted.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 389. (With Amendment): To provide a cost of living increase in pension benefits to certain members and certain beneficiaries of members of the teachers' and employees' retirement systems; to provide for the funding for the increase; and to provide that no person shall be entitled to receive the increase in benefits granted in this act if receipt of the increase would jeopardize the eligibility of a person to receive Medicaid benefits.

was taken up.

**SUBSTITUTE OFFERED**

Representative McDaniel offered the following substitute to the bill, H. 389, and to the pending amendment reported by the Standing Committee on Ways and Means.

A BILL  
TO BE ENTITLED  
AN ACT

To provide for a cost-of-living increase to certain retirees and beneficiaries of the Employees' and Teachers' Retirement Systems.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Commencing October 1, 1996, there is provided to each person currently receiving benefits whose effective date of retirement was prior to October 1, 1996, for purposes of receiving benefits from the Teachers' Retirement System, and to certain beneficiaries of deceased members and deceased retirees currently receiving survivor benefits, if the effective date of retirement or death for the deceased retirees or deceased member was prior to October 1, 1996, for purposes of receiving benefits from the Teachers' Retirement System shall receive a cost-of-living increase of not less than twenty-five dollars (\$25) per month and the increase shall be more if determined as follows:

(1) Two percent of the current gross benefit paid to the retiree and to certain beneficiaries of deceased members and deceased retirees.

(2) One dollar (\$1.00) per month for each year of service attained by the retiree for each retiree selecting the maximum retirement allowance or option one.

(3) One dollar (\$1.00) per month for each year of service attained by the retiree reduced by the retiree's option election factor for each retiree selecting options two, three, or four unless the beneficiary under the option selected is deceased on October 1, 1996, in which case the increase shall not be reduced.

(4) One dollar (\$1.00) per month for each year of service attained by the deceased member or deceased retiree reduced by the survivor's option factor for each beneficiary receiving monthly benefits from the Teachers' Retirement System.

Section 2. (a) Commencing October 1, 1996, there is provided to certain persons identified in subsection (b) of this section who are currently receiving benefits, whose effective date of retirement was prior to October 1, 1996, for purposes of receiving benefits from the Employees' Retirement System, and to certain beneficiaries of deceased members and deceased retirees who are currently receiving survivor benefits if the effective date of retirement or death for the deceased member or retiree was prior to October 1, 1996, for purposes of receiving benefits from the Employees' Retirement System shall receive a cost-of-living increase of not less than twenty-five dollars (\$25) per month and the increase shall be more if determined as follows:

(1) Two percent of the current gross benefit paid to the retiree and to certain beneficiaries of deceased members and deceased retirees.

(2) One dollar (\$1.00) per month for each year of service attained by the retiree for each retiree selecting the maximum retirement allowance or option one.

(3) One dollar (\$1.00) per month for each year of service attained by the retiree reduced by the retiree's option election factor for each retiree selecting options two, three, or four unless the beneficiary under the option selected is deceased on October 1, 1996, in which case the increase shall not be reduced.

(4) One dollar (\$1.00) per month for each year of service attained by the deceased member or deceased retiree reduced by the survivor's option factor for each beneficiary receiving monthly benefits from the Employees' Retirement System.

(b) The benefits provided in this section are limited to those retirees whose participation in the Employees' Retirement System was based on Section 36-27-6, Code of Alabama 1975, and whose employer at the time of retirement was local board of education or a state supported institution of higher education. The benefits granted in this section shall not apply to any other participants in the Employees' Retirement System.

Section 3. The cost-of-living increase granted to certain retired persons under the Teachers' Retirement System by this act may be financed, if possible, from existing funds of the Teachers' Retirement System subject to the following provisions and conditions:

(1) If the actuary for the Teachers' Retirement System finds that the cost-of-living increase can be paid for the 1996-97 fiscal year without appropriation of additional funds to the system without having an adverse actuarial impact on the system, beginning October 1, 1996, the board of control of the system may provide the cost-of-living increase authorized by this section. It is the intent of this section as pertains to funding similar increases in the future, that the funding thereof shall be in accordance with the requirements of Section 16-25-21. If the actuarial certification of the cost involved in funding the cost-of-living increase provided by this act, as required by Section 16-25-28, is not received by October 1, 1996, but satisfies the above condition when it is received during the 1996-97 fiscal year, then the cost-of-living increase shall be paid retroactively to October 1, 1996.

(2) If the conditions in subdivision (1) are not met, the cost-of-living increase shall be paid beginning October 1, 1997, and the cost of this benefit shall be included in the amount certified by the board of control to be contributed by the state under Section 16-25-21 or any other applicable law. The provisions of this subdivision shall govern and override any seeming or actual conflicts with other provisions of this section.

Section 4. Any person who receives benefits under the Medicaid program and whose eligibility for the benefits would be impaired by the cost of living increase provided by this act shall not be entitled to receive the increase. Any person who shall subsequently apply for benefits under the Medicaid program and who would have his or her eligibility to receive benefits impaired by the cost of living increase provided by this act, shall not be entitled to receive the increase after the date that the member files application for benefits under the Medicaid program.

Section 5. (a) Commencing October 1, 1996, each person, except those whose employer participated in the Employees' Retirement System pursuant to

Sections 36-27-6, 36-27-7, and 36-27-7.1, Code of Alabama 1975, whose effective date of retirement for purposes of receiving benefits from the Employees' Retirement System is prior to October 1, 1996, and who is receiving or is entitled to receive a monthly allowance from the Employees' Retirement System, shall receive a cost-of-living increase of not less than twenty-five dollars (\$25) per month and the increase shall be more if determined by computing the sum of the following two factors:

(1) Two percent (2) of the individual's current gross monthly benefit, including all previous increases.

(2) One dollar (\$1) for each year of creditable service in covered employment prior to retirement.

(b) Retirees who chose Options 2, 3, or 4 shall receive the cost-of-living increase reduced by the same percentage as the reduction which occurred because of the option selected unless the designated beneficiary under the option is deceased and recorded with the Employees' Retirement System as of October 1, 1996, in which case the increase shall not be reduced.

(c) Beneficiaries of deceased members or deceased retirees, except where the deceased member or deceased retiree retired from an employer participating in the Employees' Retirement System pursuant to Sections 36-27-6, 36-27-7, and 36-27-7.1, Code of Alabama 1975, if the date of death for the deceased member, or the effective date of retirement for the deceased retiree for purposes of receiving benefits from the Employees' Retirement System was prior to October 1, 1996, shall receive the cost-of-living increase in the amount attained by the retiree reduced by the retiree's option election factor but the reduction shall not make the increase less than twenty-five dollars (\$25) per month.

Section 6. (a) Commencing October 1, 1996, each person whose employer participates in the Employees' Retirement System pursuant to Section 36-27-6, Code of Alabama 1975, whose effective date of retirement for purposes of receiving benefits from the Employees' Retirement System is prior to October 1, 1996, and who is receiving or is entitled to receive a monthly allowance from the Employees' Retirement System, shall receive a cost-of-living increase of not less than twenty-five dollars (\$25) per month and the increase shall be more if determined by the formula used in Section 1. Retirees who chose Options 2, 3, or 4 shall receive the cost-of-living increase reduced by the same percentage as the reduction which occurred because of the option selected unless the designated beneficiary under the option is deceased and recorded with the Employees' Retirement System as of October 1, 1996, in which case the increase shall not be reduced. Any employer may elect by July 1, 1997, to discontinue the cost-of-living increases paid to its employees pursuant to this section effective October 1, 1997. Any employer participating under Section 36-27-6, Code of Alabama 1975, may elect to come under this act at the beginning of any subsequent fiscal year and the employer shall not be required to pay this cost-of-living increase retroactively.

(b) If the employer does not elect to discontinue benefits beneficiaries of deceased members or deceased retirees retired from an employer participating in the Employees' Retirement System pursuant to Section 36-27-6, Code of Alabama 1975, shall receive the same cost-of-living increase provided in Section 1, reduced by the retiree's option factor but the reduction shall not make the increase less than twenty-five dollars (\$25) per month.

Section 7. Commencing October 1, 1996, each person whose employer participates in the Employees' Retirement System pursuant to Sections 36-27-7 and 36-27-7.1, Code of Alabama 1975, whose effective date of retirement for purposes of receiving benefits from the Employees' Retirement System is prior to October 1, 1996, and who is receiving a monthly allowance or is eligible to receive a monthly allowance from the Employees' Retirement System, shall receive a cost-of-living increase in the amount of one-half the amount provided by the formula in Section 1 but the increase shall not be less than twelve dollars and fifty cents (\$12.50) per month. Retirees who chose Options 2, 3, or 4 shall receive the cost-of-living increase reduced by the same percentage as the reduction which occurred because of the option selected unless the designated beneficiary under the option is deceased and recorded with the Employees' Retirement System as of October 1, 1996, in which case the increase shall not be reduced. Beneficiaries of deceased members or deceased retirees of employers participating in the Employees' Retirement System pursuant to Section 36-27-7 and 36-27-7.1, Code of Alabama 1975, shall be entitled to the increase the retiree has attained using the formula provided in Section 1, reduced by the retiree's option election factor but the reduction shall not make the increase less than twelve dollars and fifty cents (\$12.50) per month.

Section 8. The cost-of-living increase granted to certain retired persons under the Employees' Retirement System by this act may be financed, if possible, from existing funds of the Employees' Retirement System subject to the following provisions and conditions:

(1) If the actuary for the Employees' Retirement System finds that the cost-of-living increase can be paid for the 1996-97 fiscal year from existing funds of the system without having a serious adverse actuarial impact on the system, beginning October 1, 1996, the board of control of the system may pay the cost-of-living increase provided in this act. It is the intent of this act as pertains to funding similar increases in the future, that the funding thereof shall be in accordance with the actuarial soundness requirements of Section 36-27-26. If the actuarial estimate of the cost involved in funding the cost-of-living increase provided by this act, as required by Section 36-27-26, is not received by October 1, 1996, but satisfies the above actuarial soundness condition when it is received during the 1996-97 fiscal year, then the cost-of-living increase shall be paid retroactively to October 1, 1996.

(2) If the conditions in subdivision (1) are not met, the cost-of-living increase shall be paid beginning October 1, 1997, and the cost of this benefit shall be included in the amount certified by the board of control to be contributed by the



state under Sections 16-25-21 or 36-27-24 or any other applicable law. The provisions of this subdivision shall govern and override any seeming or actual conflicts with other provisions of this section.

Section 9. The Board of Control of the Employees' Retirement System may notify any employer who participated in the Employees' Retirement System and has withdrawn from participation on the effective date of this act that the cost-of-living increases provided by this act and Act No. 93-604, 1993 Regular Session, and Act No. 94-232, 1994 Regular Session, as amended by Act No. 94-768, 1994 Special Session, are available to their retirees and beneficiaries provided the employer elects to fund the increase.

Section 10. Commencing October 1, 1996, any pensioner who retired from a city, town, county, or public or quasi-public organization of the state before the city, town, county, or public or quasi-public organization of the state became a member of the Employees' Retirement System, and who is receiving a monthly benefit prior to the effective date of this act administered by the Employees' Retirement System, may receive an increase in benefits in the amount of thirty dollars (\$30) per month if the monthly benefit is five hundred dollars (\$500) or less; forty-five dollars (\$45) per month if the monthly benefit is more than five hundred dollars (\$500) but less than one thousand dollars (\$1,000); sixty dollars (\$60) per month if the monthly benefit is more than one thousand dollars (\$1,000) but less than two thousand dollars (\$2,000); seventy-five dollars (\$75) per month if the monthly benefit is two thousand dollars (\$2,000) or more if the city, town, county, or public or quasi-public organization of the state elects to fund the increase, provided the pensioner retired prior to October 1, 1996.

Section 11. Commencing October 1, 1996, beneficiaries of pensioners formerly participating in a retirement program of a Class 1 municipality but whose benefits are currently administered by the Employees' Retirement System shall receive a monthly increase of fifty dollars (\$50) provided the local public board elects to fund the increase. All other beneficiaries of Employees' Retirement System pensioners shall receive an increase of twenty-five dollars (\$25) per month provided the local units elect to fund the increase.

Section 12. Any county board, department, or agency responsible for the local administration of a program for a state board, department, or agency affiliated with the Employees' Retirement System on October 1, 1996, may provide the cost-of-living increase pursuant to this act to any retiree or beneficiary who retired prior to such entities participation in the Employees' Retirement System if the local administrative unit elects to fund the increase.

Section 13. Any person who received benefits under the Medicaid Program and whose eligibility for Medicaid benefits would be impaired by the cost-of-living increase provided by this act shall not be entitled to receive the increase. Any person who subsequently applies for benefits under the Medicaid Program and that person's eligibility to receive benefits is impaired by the cost-of-living increase provided by this act, shall not be entitled to receive the increase subsequent to the date that the member files application for benefits under the Medicaid Program.

Section 14. Commencing October 1, 1996, any pensioner or annuitant who retired from a city, town, county, or public or quasi-public organization of the state before the city, town, county, or public or quasi-public organization of the state became a member of the Employees' Retirement System and is receiving a monthly benefit not administered by the Employees' Retirement System shall receive a fifty dollar (\$50) per month increase provided the city, town, county, or public or quasi-public organization of the state elects to fund the increase provided the pensioner retired prior to October 1, 1996.

Section 15. The provisions of this act are supplemental. It shall be construed in pari materia with other laws regulating and providing for the payment of retirement benefits to the retired members of the Employees' Retirement System. However, those laws or parts of laws which are in direct conflict or inconsistent with this act are repealed to the extent of the conflict.

Section 16. This act shall become effective October 1, 1996, upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 389. To provide for a cost-of-living increase to certain retirees and beneficiaries of the Employees' and Teachers' Retirement Systems.

as amended, was read a third time at length and passed, and ordered engrossed.

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18th Day**

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Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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**PERMISSION GRANTED**

Permission was granted for the Journal to reflect that Representatives Baker and Burke intended to vote "Yea" on passage of the bill, H. 389, as amended.

**CO-SPONSORS ADDED**

The following were added as co-sponsors to the bill, H. 389, as amended:

Representatives Baker, Black (L), Black (M), Boyd, Carns, Carothers, Clark (J), Clark (W), Clouse, Collins, Dean, Galliher, Gaston, Graham, Guin, Hamilton, Haney, Hayden, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (J), Layson, Lindsey, McAdory, McClammy, Moore, Murphree, Newton (D), Papucci, Parker (P), Payne, Penry, Rogers (J), Sanderford, Sanderson, Sims, Starkey, Townsend, Vance and Warren.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 777. Relating to organ and tissue donation for medical purposes; to further provide the procedure for the designation of organ donors on motor vehicle

driver's licenses and nondriver identification cards; and to provide for emergency medical personnel to take reasonable steps to transmit organ donation information to hospitals and other health care facilities in the case of accidents and traumas.

TOMMY CARTER  
Chairman

And the bill, H. 777, as engrossed, was ordered sent to the Senate.

### **SPECIAL ORDER CALENDAR RESUMED**

### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Dukes, the Budget Isolation Resolution relating to the bill, H. 158, was adopted.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Carns, Carothers, Carter, Collins, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turnham, Vance, Warren and Willis.

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And the bill:

H. 158. To amend Section 36-21-7, Code of Alabama 1975, relating to the reimbursement of mandated training costs when one governmental entity employs certain employees from another governmental entity within a certain period, and to provide similar requirements for the reimbursement of training expenses for certain governmental employees.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Carns, Carothers, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Warren, White and Willis.

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### **BUDGET ISOLATION RESOLUTION OFFERED**

Representative Turnham offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 504.

### **TIME TO DEBATE EXPIRED**

In accordance with the resolution, H.R. 351, the time to debate the bill, H. 504, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Turnham, the Budget Isolation Resolution relating to the bill, H. 496, was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McMillan, Melton, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren, White, Willis and Wren.

And the bill:

H. 496. (With Amendment): To reopen the Employees' Retirement System for purchase of prior service credit by an active and contributing member of the Cooperative Extension Service of Auburn University; to provide for the cost of purchasing the prior service credit; and to provide for the expiration of this act.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means to the bill, H. 496, said committee amendment being as follows:

Amend H. 496 on page 2, line 12 by deleting the word "acting" and inserting in lieu thereof the word "active".

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Jorgensen, Kennedy, Knight (A), Layson, Lindsey, McAdory, McDaniel, McMillan, Melton, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 496. To reopen the Employees' Retirement System for purchase of prior service credit by an active and contributing member of the Cooperative Extension Service of Auburn University; to provide for the cost of purchasing the prior service credit; and to provide for the expiration of this act.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 81; Nays 0.

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Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Townsend, the Budget Isolation Resolution relating to the bill, H. 256, was adopted.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Collins, Crigler, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

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And the bill:

H. 256. (With Amendment): To amend Section 32-7-5 of the Code of Alabama 1975, relating to the period of filing forms of reports of motor vehicle accidents under certain conditions by extending the time for an owner reporting a motor vehicle accident when the operator is physically incapable of making the report.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration to the bill, H. 256, said committee amendment being as follows:

Amend House Bill 256 on page 1, in the Synopsis, line 10 by striking after the word "vehicle" the following words "~~an accident~~" and insert in lieu thereof the word accidents

### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dukes, Gaines, Galliher, Gipson, Guin, Hall (A), Hammett, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

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And the bill:

H. 256. To amend Section 32-7-5 of the Code of Alabama 1975, relating to the period of filing forms of reports of motor vehicle accidents under certain conditions by extending the time for an owner reporting a motor vehicle accident when the operator is physically incapable of making the report.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Lindsey, McAdory,



McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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### **BUDGET ISOLATION RESOLUTION OFFERED**

Representative Jackson offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 217.

### **TIME TO DEBATE EXPIRED**

In accordance with the resolution, H.R. 351, the time to debate the bill, H. 217, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

### **MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 276. To amend Section 32-6-49.13, Code of Alabama 1975, to require that a chemical test be administered if a law enforcement officer has probable cause to believe that a commercial vehicle driver is operating a commercial motor vehicle while having alcohol or drugs in his or her system, or if a commercial vehicle driver is involved in an accident resulting in death or physical injury requiring hospitalization or emergency medical treatment; and to provide for cumulative penalties.

McDOWELL LEE  
Secretary

### **MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 208. To amend Section 32-5A-191 and Section 32-5A-194 of the Code of Alabama 1975, as amended by Act No. 95-784 S. 338, 1995 Regular Session (Acts 1995, p. 1862), relating to driving under the influence of alcohol and drugs; to prohibit the operation of a motor vehicle by a school bus or day care driver while in performance of their duties with greater than .02 percentage or more by weight of alcohol in his or her blood; to provide penalties; and to provide for the approval of permits by the Department of Forensic Sciences.

McDOWELL LEE  
Secretary

### **SPECIAL ORDER CALENDAR RESUMED**

### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Knight (J), the Budget Isolation Resolution relating to the bill, H. 422, was adopted.

Yeas 63; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Dolbare, Drake, Gaines, Galliher, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hill, Hilliard, Hogan, Houston, Johnson (R), Kennedy, Knight (A), Knight (J), Layson, Lindsey, McAdory, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Parker (P), Parker (T), Payne, Petelos, Robinson, Rogers (J), Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Townsend, Turner, Venable, White, Willis and Wren.

-63

And the bill:

H. 422. (With Amendment): To amend Section 36-12-40, Code of Alabama 1975, to allow access to certain files of public employees.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration to the bill, H. 422, said committee amendment being as follows:

Amend House Bill 422 on page 2, line 16, by adding after the word "file." the following: Such written objection shall be reviewed and initialed by the employee's supervisor before it is included in the file. The employer may designate a

representative to be present during the review of the file and may inventory the contents before and after the review to insure all materials are retained in the file. The provisions of this amendatory act shall in no way authorize the employee to remove the file from the place of employment.

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Drake, Gaines, Galliher, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Venable, Willis and Wren.

-74

And the bill:

H. 422. To amend Section 36-12-40, Code of Alabama 1975, to allow access to certain files of public employees.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 81; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Drake, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (J), Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Venable, Warren, Willis and Wren.

-81

**H. 223 TAKEN UP**

And the bill:

H. 223. To require every state agency administering a federally funded employment and training program to include in each program a priority system for serving veterans and other eligible persons and to provide for definitions.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Venable, Warren, White, Willis and Wren.

-82

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Page, the Budget Isolation Resolution relating to the bill, H. 224, was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Pringle, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

-80

**REGULAR SESSION**  
**18th Day**

1841

And the bill:

H. 224. To amend Section 32-6-291 of the Code of Alabama 1975, relating to distinctive tags for retired military persons; and providing that a distinctive tag may be issued to retired military persons regardless of the length of their military service.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-87

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Guin, the Budget Isolation Resolution relating to the bill, H. 296, was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-85

And the bill:

H. 296. To amend Section 13A-6-21; to provide that a person who, with intent to cause physical injury and to prevent a peace officer or emergency medical personnel or firefighter from performing a lawful duty, causes physical injury to any person commits assault in the second degree; and to provide that a person who, with intent to cause physical injury to a teacher or other public school employee causes physical injury to any person commits assault in the second degree; and to provide felony penalties.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-77

#### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Haney, the Budget Isolation Resolution relating to the bill, H. 788, was adopted.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Penry, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-73

And the bill:

H. 788. To amend Section 6 of Act No. 95-564, H. 539, 1995 Regular Session, to clarify and confirm the ability of a foreign corporation doing business in Alabama to petition the Alabama Department of Revenue to utilize any other method which effectuates an equitable apportionment of the actual amount of capital employed in this state by the foreign corporation; and to provide for a retroactive effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Carns, Carothers, Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (R), Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Murphree, Page, Papucci, Payne, Penry, Perdue, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-68

#### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Baker, the Budget Isolation Resolution relating to the bill, H. 696, was adopted.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hall (A), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jorgensen, Kennedy, Knight (A), Lindsey, McAdory, McDaniel, McKee, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Perdue, Petelos, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, Willis and Wren.

-67

And the bill:

H. 696. To amend Section 40-12-240, Code of Alabama 1975, to exempt self-propelled wheelchairs from the definition of "motor vehicles" for licensing and registration purposes.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Buskey, Carns, Clark (W), Clouse, Crigler, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Houston, Jorgensen, Kennedy, Knight (A), Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Minnifield, Moore, Morrison, Morrow, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Willis and Wren.

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### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 430. To amend Sections 11-47-210 to 11-47-219, inclusive, Code of Alabama 1975, which empower municipalities to acquire and manage public parks, playgrounds, and other recreational or athletic facilities and which provide for the formation of authorities to act on behalf of the municipalities in exercising the powers; to provide further for definitions for particular terms relating to certain public corporations and for the types of properties and facilities that are subject to being acquired and managed pursuant to Article 9 of Chapter 47 of Title 11 of the Code of Alabama 1975; to grant to any county the powers granted to municipalities by the article; to provide with more specificity for the procedure to be followed in organizing an authority pursuant to the article; to modify the article respecting the composition of the governing body of the authority and to further define and expand the powers to be enjoyed by the authority; to empower the authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds, and other obligations payable solely out of the revenues, receipts, income, funds, or other sources specified in the proceedings



under which the bonds, notes, or other obligations are issued; to authorize the authority to pledge its revenues and mortgage or assign its assets as security for its notes, bonds, or other obligations; to provide for the issuance of refunding bonds, notes, or other obligations by an authority for the purpose of refunding bonds, notes, or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment, or pledge created or made by the authority; to provide that the notes, bonds, and other obligations of the authority shall constitute negotiable instruments; to provide that the notes, bonds, and other obligations of the authority may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the state the property, corporate activities, revenues, and income of the authority, the transactions or actions to which the authority is a party or in which it may be involved, and the notes, bonds, and all other obligations of the authority and the interest on the notes, bonds, and obligations; to exempt the authority from all laws of the state governing usury or prescribing or limiting interest rates; to provide that any county, municipality, or other political subdivision, agency, or instrumentality of the state or any county or municipality may aid and cooperate with the authority, lend or donate money or perform services for the benefit thereof and, without the necessity of an election, donate, sell, convey, transfer, lease, or grant thereto any property of any kind; to authorize any county or municipality to enter into contracts providing for periodic monetary payments by the county or municipality to the authority, or for its benefit, to serve as a source of payment for notes, bonds, or other obligations of the authority; to specify the extent to which such a contract shall constitute or result in a debt of the county or municipality for purposes of any applicable limitation on indebtedness imposed by the constitution or other laws of the state; to provide that the authority shall be a not-for-profit corporation; to provide that such an authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes, or other obligations by the authority, and to provide that any action or proceeding questioning the validity of the bonds, notes, or other obligations, or instruments securing the same, shall be commenced within 30 days after the first publication of the notice; to provide that revenue obligations issued by any public authority shall not create an obligation or debt of the State of Alabama nor shall any state funds be used to retire the principal and interest of any indebtedness issued pursuant to this act; and to provide that the provisions of this act shall be severable.

by a majority of the whole number elected to the Senate, said vote being: Yeas 26, Nays 0.

And said Bill, HB 430, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE  
Secretary

**SPECIAL ORDER CALENDAR RESUMED****BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Wren, the Budget Isolation Resolution relating to the bill, H. 403, was adopted.

Yeas 74; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, Willis and Wren.

-74

Nay:

Representatives Gaines and Payne.

- 2

And the bill:

H. 403. (With Substitute) (With Amendment): To require that certain persons employed as insurance agents or brokers of insurance by insurers take continuing education courses; to establish standards for continuing education programs; to provide certain exceptions; to provide for compliance form filing fees and late filing fees to be paid by agents and brokers, education course provider filing and renewal fees, an education course or program approval filing fee, and education course instructor filing fee, and that all of these fees be deposited in the State Treasury to the credit of a fund to be known as the "Insurance Agents and Brokers Continuing Education Fund," created by this act, from which the expenses of operating the Continuing Education Unit and regulatory purposes of the Agents' Licensing Division of the Department of Insurance shall be paid; to provide for appropriating those sums for expenses incurred by the unit; and to provide for balances in the fund to carry forward the first fiscal year after the effective date of this act and thereafter to provide for a percentage of the unencumbered balances in the fund at the end of the fiscal year to revert to the State General Fund.

was taken up.

**SUBSTITUTE OFFERED**

Representative Wren offered the following substitute to the bill, H. 403, and to the pending substitute and amendment reported by the Standing Committee on Insurance:

**A BILL  
TO BE ENTITLED  
AN ACT**

Relating to insurance; to require that certain persons employed as insurance agents, service representatives, or brokers of insurance by insurers take continuing education courses; to establish standards for continuing education programs; to provide certain exceptions; to provide for an advisory committee to the commissioner of insurance relative to continuing education programs and other insurance matters; to provide for compliance form filing fees and late filing fees to be paid by agents, service representatives, and brokers, education course provider filing and renewal fees, and an education course or program approval filing fee, and that all of these fees be deposited in the State Treasury to the credit of a fund to be known as the "Insurance Agents and Brokers Continuing Education Fund," created by this act, from which the expenses of operating the Continuing Education Unit and regulatory purposes of the Agents' Licensing Division of the Department of Insurance shall be paid; to provide for appropriating those sums for expenses incurred by the unit; to provide for balances in the fund to carry forward the first fiscal year after the effective date of this act and thereafter to provide for a percentage of the unencumbered balances in the fund at the end of the fiscal year to revert to the State General Fund; and to specifically authorize the Commissioner of Insurance to conduct background investigations, to include criminal history inquiries, for all applicants for license as an insurance agent or a broker prior to the issuance of the license.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. (a) Any natural person licensed in this state as an insurance agent, service representative, or broker for the lines of insurance listed in subsection (b), and not exempt under subsection (c), shall satisfactorily complete a minimum of 12 classroom hours per year of courses, programs of instruction, or seminars as may be approved by the Commissioner of Insurance pursuant to this act. No person holding licenses for more than one line or type of insurance shall be required to complete a greater number of classroom hours than is required of a person holding a license for a single line or type of insurance.

(b) This act shall apply to all natural persons licensed in this state as insurance agents, service representatives, or brokers for the following kinds of insurance:

- (1) All lines of life and disability insurance.

(2) All lines of property and casualty insurance except the limited lines of automobile physical damage insurance, industrial fire (commonly known as debit fire) insurance, and physical damage coverage on household goods.

(3) All other lines of insurance for which an examination is required for licensing.

(4) Any combination thereof.

(c) This act shall not apply to:

(1) Any person exempt from licensing pursuant to subsection (b) of Section 27-3-27, Code of Alabama 1975.

(2) Any person licensed only for any kind or kinds of insurance for which an examination is not required by law of this state.

(3) Any person licensed only for automobile physical damage insurance, industrial fire (commonly known as debit fire) insurance, or physical damage coverage on household goods, or any combination thereof.

(4) All agents, service representatives, and brokers licensed in this state for 15 years and at least 65 years of age or older.

(5) Any person who holds a designation as a Chartered Property and Casualty Underwriter, Certified Insurance Counselor, Chartered Life Underwriter, Chartered Financial Consultant, Certified Financial Planner, Registered Health Underwriter, Registered Employee Benefits Consultant, or Associate Risk Manager.

(6) Newly licensed agents, service representatives, and brokers for 12 months following the effective date of their license.

(d) Up to 12 hours of excess classroom hours completed during any one-year period may be carried forward to the next year.

(e) In lieu of the 12 hours required in subsection (a), any agent or service representative employed by another agent or by an insurer to work only in the office of the employer and who is not licensed as a nonresident in any other state shall satisfactorily complete a minimum of 6 classroom hours per year.

Section 2. (a) Any person failing to meet the requirements imposed by this act, and who has not been granted an extension of time pursuant to this act, or who has submitted to the Commissioner of Insurance a false or fraudulent certificate of compliance shall, after a hearing thereon which hearing may be waived by the person, be subjected to the suspension of all licenses issued for any kind or kinds of insurance, and no further license shall be issued to the person for any kind or kinds of insurance until the person shall have demonstrated to the satisfac-

tion of the commissioner that he or she has complied with all of the requirements of the act and all other laws applicable thereto.

(b) There shall be an automatic three-month extension for complying with the continuing education requirement under this act for three months following its enactment. Thereafter, the commissioner may grant a three-month extension for complying with the continuing education requirement under this act. To receive an extension which is not automatic under this subsection, a licensee shall file a request with the commissioner on a form provided by the commissioner. After a licensee files a request for an extension, the license of the licensee remains in effect until the commissioner makes a decision on the request. If the commissioner denies a licensee's request for an extension, the licensee shall complete continuing education requirements under this act within thirty days after the commissioner notifies the licensee of the denial.

(c) The commissioner may grant an extension for more than three months upon a showing that the licensee is unable to perform the normal duties of an insurance agent or broker or upon other similar special circumstances as may be approved by the commissioner.

Section 3. The courses or programs subject to this act shall include any course, seminar, industry recognized certification program, and out-of-state reciprocal program, program of classroom instruction, or independent self-study course authorized, developed, or sanctioned by an authorized insurer or recognized statewide association of insurance agents or brokers and shall, subject to the approval of the Commissioner of Insurance, qualify for the equivalency of the number of classroom hours assigned thereto by the commissioner. Any independent self-study course authorized, developed, or sanctioned by any authorized insurers or recognized state agents association, which includes an appropriate testing instrument administered by a third party proctor requiring a passing grade of 70 percent to successfully complete and is approved by the commissioner, shall qualify for the equivalency of the number of classroom hours assigned thereto by the commissioner. Programs or courses shall be directly related to the agents insurance product and contribute to the technical competence of the agent. All courses, course providers, and certifications, pursuant to this act, are subject to audit by the department at any time. Course or course providers may be disqualified at the discretion of the commissioner. The Department of Insurance shall administer this program through its employees, except as otherwise specifically provided in this act. The commissioner may contract for computer services and equipment necessary to establish an in-house computer system to administer the provisions of this act.

Section 4. The commissioner shall appoint an advisory committee to advise him or her on continuing education and other insurance matters to consist of the following members: one representative of a statewide association of life and health insurance agents, one representative of a statewide association of property and casualty insurance agents, one representative of an association of Alabama-based life insurance companies, one representative of a property and casualty

insurance company, one representative of a statewide association representing health insurance agents, one member of the Alabama Senate and one member of the Alabama House of Representatives. Members of this committee shall be appointed for terms concurrent with the term of office of the Governor of the State of Alabama and shall be entitled to a per diem allowance equal to the per diem allowance paid to state employees in the amount current at the time of the meeting.

Section 5. A person teaching any approved course of instruction or lecturing at any approved seminar shall qualify for the same number of classroom hours as would be granted to a person taking and successfully completing such course, seminar, or program.

Section 6. The department's application for a license renewal form shall include a question asking if the agent has met the state's continuing education requirements as set forth in this act, and by signing the application, he or she certifies the answer of yes or no as being a correct statement. Such certification statement may be answered either by the agent, the employer of the agent, or any insurer with which the agent is licensed. In answering the certification statement, the employer or insurer shall be entitled to rely on and act upon the oral or written statement of the agent regarding whether the agent has met the state's continuing education requirements, what courses, programs, or seminars of instruction were taken and the number of hours involved. Neither the employer nor the insurer shall be responsible or liable in any way for the failure of any agent to meet the requirements or to maintain the necessary records. No employer or insurer shall be required to investigate or inquire whether the agent has met the requirements specified herein prior to the agent becoming licensed as an agent for the employer or insurer. The responsibility for complying with the requirements of this act shall rest solely on the agent.

Section 7. Every person subject to this act, or the employer of the person, and every authorized provider of continuing education courses and programs shall furnish upon request, in a form satisfactory to the Commissioner of Insurance, written certification as to the courses, programs, or seminars of instruction taken and successfully completed by the person to meet the requirements of this act.

Section 8. Any person who files a false statement under this act, with knowledge of the falsity of the statement, is guilty of deceit. The Commissioner of Insurance may, after notice and hearing, revoke any license issued by the commissioner to a person found guilty of deceit under this section.

Section 9. (a) The Commissioner of Insurance shall collect the following fees in the administration and enforcement of this act:

(1) Application fees paid in connection with the annual application for license pursuant to subdivisions (5) and (9) of subsection (a) of Section 27-4-2, Code of Alabama 1975.

(2) Late filing fee to be paid by each agent and broker failing to make a timely filing of the compliance form ..... fifty dollars (\$50).

(3) Provider authority original filing fee to be paid by each education course provider for authority to offer continuing education courses in this state.....a one-time three hundred dollar (\$300) lifetime fee.

(4) Provider authority annual renewal fee to be paid by each education course provider for continuation of authority to offer continuing education courses in this state.....one hundred dollars (\$100) per year.

(5) Course approval filing fee to be paid by the provider for the approval of each education course or program to be offered in this state.....one-time fifty dollar (\$50) per course without any renewal.

(b) The fees specified in subsection (a) of this section shall be deposited in the State Treasury to the credit of a fund to be known as the "Insurance Agents and Brokers Continuing Education Fund." The expenses of the Continuing Education Unit of the Agents' Licensing Division of the Department of Insurance shall be paid from that fund and the amount necessary to make the payments is continuously appropriated from the fund for the operation of the unit and to implement this act.

Section 10. There is hereby created in the State Treasury a fund designated as the "Insurance Agents and Brokers Continuing Education Fund" to be used for the operation of the Continuing Education Unit of the Agents Licensing Division of the Department of Insurance and for other related regulatory purposes. Receipts deposited into this fund shall be disbursed only by warrants of the State Comptroller drawn upon the State Treasury on itemized vouchers approved by the Commissioner of Insurance. No funds shall be withdrawn or expended except as budgeted and allotted according to Sections 41-4-80 to 41-4-96, inclusive, and 41-19-1 to 41-19-12, inclusive, Code of Alabama 1975, and only in amounts as stipulated in the general appropriations act, other appropriation acts, or this act. At the end of the first fiscal year after the effective date of this act, any unencumbered and unexpended balance in the fund shall not revert to the General Fund of the State Treasury under Section 41-4-93, Code of Alabama 1975, but shall carry over to the next fiscal year. Thereafter, at the end of each fiscal year, any unencumbered and unexpended balance of up to 25 percent of the amount appropriated for that fiscal year shall not revert to the General Fund of the State Treasury under Section 41-4-93, Code of Alabama 1975, but shall carry over to the next fiscal year.

Section 11. (a) Any fees paid by a course provider prior to the effective date of this act for qualification to become a course provider shall be applied as credits against future fees due to the Department of Insurance for qualification to become a course provider under this act.

(b) Agents, service representatives, and brokers who have, within one year prior to the effective date of this act, completed continuing education courses approved by the commissioner and which have not been applied for continuing education requirements in a state other than Alabama, shall receive appropriate credit toward future continuing education requirements after the effective date of this act.

Section 12. Insurance agents, service representatives, and brokers subject to this act shall not be required to file compliance forms in accordance with Section 7 of this act for at least three months from the effective date of this act.

Section 13. The Commissioner of Insurance may conduct background investigations, to include criminal history inquiries, for all applicants for license as an insurance agent or a broker prior to the issuance of the license.

Section 14. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 15. All laws or parts of laws which conflict with this act are repealed.

Section 16. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### **SUBSTITUTE ADOPTED**

And the substitute offered by Representative Wren was adopted.

Yeas 76; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Venable, Willis and Wren.

-76

Nay:

Representative Gaines.



**S. 67 SUBSTITUTED FOR H. 403**

In accordance with House Rule 20 and on motion of Representative Wren, the bill, S. 67, was substituted for the bill, H. 403, as amended.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Wren, the Budget Isolation Resolution relating to the bill, S. 67, was adopted.

Yeas 68; Nays 3.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Willis and Wren.

-68

Nay:

Representatives Gaines, McAdory and Payne.

- 3

And the bill:

S. 67. (With Amendments): Relating to insurance; to require that certain persons employed as insurance agents, service representatives, or brokers of insurance by insurers take continuing education courses; to establish standards for continuing education programs; to provide certain exceptions; to provide for an advisory committee to the commissioner of insurance relative to continuing education programs and other insurance matters; to provide for compliance form filing fees and late filing fees to be paid by agents, service representatives, and brokers, education course provider filing and renewal fees, and an education course or program approval filing fee, and that all of these fees be deposited in the State Treasury to the credit of a fund to be known as the "Insurance Agents and Brokers Continuing Education Fund," created by this act, from which the expenses of operating the Continuing Education Unit and regulatory purposes of the Agents' Licensing Division of the Department of Insurance shall be paid; to provide for appropriating those sums for expenses incurred by the unit; to provide for balances in the fund to carry forward the first fiscal year after the effective date of

this act and thereafter to provide for a percentage of the unencumbered balances in the fund at the end of the fiscal year to revert to the State General Fund; and to specifically authorize the Commissioner of Insurance to conduct background investigations, to include criminal history inquiries, for all applicants for license as an insurance agent or a broker prior to the issuance of the license.

was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Insurance to the bill, S. 67, said committee amendment being as follows:

Amend Senate Bill 67 on page 3, line 22 by deleting after the word "least" the number ~~65~~ and inserting in lieu thereof the number 60

#### AMENDMENT TABLED

On motion of Representative Wren, the committee amendment #1 was tabled.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Lindsey, McAdory, McDaniel, McKee, Melton, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, White, Willis and Wren.

-76

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Insurance to the bill, S. 67, said committee amendment being as follows:

Amend Senate Bill 67 on page 4, after line 7 by adding the following new paragraph:

(7) Officers of insurers who are not engaged in the active sale of products.

**AMENDMENT TABLED**

On motion of Representative Wren, the committee amendment #2 was tabled.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Lindsey, McAdory, McDaniel, McKee, Melton, Minnifield, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Venable, Willis and Wren.

-71

**AMENDMENT OFFERED**

The question was then on the adoption of the amendment #3 reported by the Standing Committee on Insurance to the bill, S. 67, said committee amendment being as follows:

Amend S. 67 on Page 4, Subsection (5), line 3, after the word "Consultant," by inserting the following: Certified Health Consultant.

**AMENDMENT TABLED**

On motion of Representative Wren, the committee amendment #3 was tabled.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Lindsey, McAdory, McDaniel, McKee, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Petelos, Pringle, Robinson, Rogers (M),

Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, Willis and Wren.

-72

**AMENDMENT OFFERED**

Representative Wren offered the following amendment to the bill, S. 67:

On page 3, line 22, after the word "least" delete the number 65 and insert in lieu thereof the number: 60

On page 4, line 7, add a new paragraph as follows:

(7) Officers of insurers who are not engaged in the active sale of products.

On page 4, line 3, subsection (5), after the word "Consultant," insert the following language: Certified Health Consultant

On page 10, line 11, after the word "fund" delete the words "and the"

On page 10, delete lines 12 and 13 in their entirety and insert in lieu thereof the following words: for the operation of the unit and

On page 12, line 10, add the following new section and renumber subsequent sections accordingly:

Section 14. There is hereby appropriated from the Insurance Agents and Brokers Continuing Education Fund for the fiscal years ending September 30, 1996, and September 30, 1997, sufficient funds to carry out the provisions of this act.

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D),

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Page, Papucci, Parker (T), Payne, Penry, Petelos, Rogers (J), Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable and Wren.

-71

And the bill, S. 67, as amended, was read a third time at length and passed.

Yeas 70; Nays 3.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Houston, Jackson, Johnson (R), Jorgensen, Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White and Wren.

-70

Nay:

Representatives Gaines, Payne and Rogers (J).

- 3

**H. 403 INDEFINITELY POSTPONED**

On motion of Representative Wren, the bill, H. 403, as amended, was indefinitely postponed.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Guin, the Budget Isolation Resolution relating to the bill, H. 552, was adopted.

Yeas 68; Nays 2.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston,

Gipson, Graham, Guin, Hall (A), Hamilton, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hooper, Houston, Jackson, Johnson (R), Knight (A), Laird, Lindsey, Maull, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Petelos, Robinson, Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White and Wren.

-68

Nay:

Representatives Hall (L) and Rogers (J).

- 2

And the bill:

H. 552. (With Substitute): To amend Section 15-18-83 of the Code of Alabama 1975, to provide further that members of the victim's immediate family may be present at an execution.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary to the bill, H. 552, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 15-18-83 of the Code of Alabama 1975, to provide further that members of the victim's immediate family may be present at an execution.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 15-18-83, Code of Alabama 1975, is amended to read as follows:

"§15-18-83.

"(a) The following persons may be present at an execution and none other:

"(1) The executioner and ~~such~~ any persons ~~as may be necessary~~ to assist ~~him~~ in conducting the execution;\_

"(2) The commissioner of corrections or his or her representative;\_

"(3) Two physicians, including the prison physician;\_

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"(4) The spiritual advisor of the condemned;\_

"(5) The chaplain of Holman prison;\_

"(6) Such newspaper reporters as may be admitted by the warden;\_and\_

"(7) Any of the relatives or friends of the condemned person that he or she may request, not exceeding five two in number.

"(8) Any of the immediate family of the victim, not to exceed two in number; provided that if there was more than one victim, the number and manner of selection of victims' representatives shall be as determined by the Commissioner of Corrections.

"(b) No convict shall be permitted by the prison authorities to witness the execution."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

**SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 74; Nays 5.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, Maull, McAdory, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-74

Nay:

Representatives Hall (L), Hilliard, Newton (D), Reed and Rogers (J).

And the bill:

H. 552. To amend Section 15-18-83 of the Code of Alabama 1975, to provide further that members of the victim's immediate family may be present at an execution.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 71; Nays 5.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, Mauli, McAdory, McDaniel, McKee, Millican, Minnifield, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Petelos, Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-71

Nay:

Representatives Hall (L), Mitchell, Newton (D), Reed and Rogers (J).

- 5

#### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Newton (D), the Budget Isolation Resolution relating to the bill, H. 103, was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, Mauli, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-87



And the bill:

H. 103. (With Substitute): Requiring the Code Commissioner to have acts of the Legislature and the Code of Alabama 1975 copyrighted; permitting state agencies to purchase the code and abolishing portions of the present distribution system; providing that the contract for the publishing and selling of the Code of Alabama 1975 shall not be subject to laws regarding competitive bidding contracts; providing for the determination of the price the publisher will charge for the sale of the code; providing for maintenance of distribution records, ownership, judicial action for the value of misappropriated codes, and appropriations; permitting the Code Commissioner, upon a determination by the Legislative Council, to contract for the publishing of compilations of portions of the code regarding a specific state agency; repealing provisions regarding lost or destroyed copies and distribution; amending Sections 36-13-5, 41-21-1, 41-21-4, 41-21-5, 41-21-6, 41-21-7, and 41-21-8, Code of Alabama 1975; repealing Sections 41-21-2 and 41-21-3, Code of Alabama 1975; and providing a prospective effective date for certain sections of the act.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary to the bill, H. 103, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

Requiring the Code Commissioner to have acts of the Legislature and the Code of Alabama 1975 copyrighted; permitting state agencies to purchase the code and abolishing portions of the present distribution system; providing that the contract for the publishing and selling of the Code of Alabama 1975 shall not be subject to laws regarding competitive bidding contracts; providing for the determination of the price the publisher will charge for the sale of the code; providing for maintenance of distribution records, ownership, judicial action for the value of misappropriated codes, and appropriations; permitting the Code Commissioner, upon a determination by the Legislative Council, to contract for the publishing of compilations of portions of the code regarding a specific state agency; repealing provisions regarding lost or destroyed copies and distribution; amending Sections 36-13-5, 41-21-1, 41-21-4, 41-21-5, 41-21-6, 41-21-7, and 41-21-8, Code of Alabama 1975; repealing Sections 41-21-2 and 41-21-3, Code of Alabama 1975; and providing a prospective effective date for certain sections of the act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 36-13-5, Code of Alabama 1975, is amended to read as follows:

"§36-13-5.

~~"The governor must cause to be copyrighted, for the use and benefit of the state, Code Commissioner shall have each volume of the pamphlet acts of the legislature at each session thereof and each volume of this Code the code copyrighted for the use and benefit of the state."~~

Section 2. Section 41-21-1, Code of Alabama 1975, is amended to read as follows:

"§41-21-1.

"(a) A state agency, department, institution, bureau, board, commission, or office may purchase, from any of its available funds, sets of the Code of Alabama 1975, or any portion of the code, including, but not limited to, supplements, replacement volumes, and indexes, in any form or medium.

~~"(b) It shall be the duty of the~~ The secretary of state, on publication and delivery to the state, ~~to shall~~ transmit sets of the 1975 Code of Alabama 1975, and supplements or replacement volumes thereof, as follows: ~~to the following agencies, departments, institutions, bureaus, boards, commissions and offices:~~

~~"(1) One set to the law library of congress;~~

~~"(2) One set to the custodian of the law library of the court of last resort of every state and territory for exchange upon the approval of the state law librarian of the request therefor;~~

~~"(3) One set to the library of the University of Alabama and one set to the land commissioner of the University of Alabama;~~

~~"(4)(1) Two sets to each member of the legislature, including the lieutenant governor, for each legislative term, and to the clerk of the house and to the secretary of the senate; A request shall be presented by a Member of the Legislature or the Lieutenant Governor to the Secretary of State prior to the issuance of the sets of the code to the Member or the Lieutenant Governor.~~

~~"(5) One set to the library of each junior college, trade school, technical college and public institution of higher education;~~

~~"(6) Ten sets to the librarian of the supreme court and state law library for the use of the library;~~

~~"(7) Two sets to the department of archives and history;~~

~~"(8) Four sets to the governor's office;~~

~~"(9) Fifty five sets to the attorney general's office;~~

- "(10) Eleven sets to the legislative reference service;
- "(11) Four sets to the department of court management;
- "(12) Three sets to the state superintendent of education;
- "(13) Seven sets to the department of mental health;
- "(14) Ten sets to the department of public safety;
- "(15) Two sets to the department of agriculture and industries;
- "(16) Three sets to the alcoholic beverage control board;
- "(17) Three sets to the banking department;
- "(18) Two sets to the state military department;
- "(19) Three sets to the state department of insurance;
- "(20) Five sets to the board of corrections;
- "(21) Five sets to the health department;
- "(22) Four sets to the department of industrial relations;
- "(23) Two sets to the retirement systems of Alabama;
- "(24) Six sets to the finance department;
- "(25) Four sets to the pardons and paroles board;
- "(26) Four sets to the conservation and natural resources department;
- "(27) Five sets to the highway department;
- "(28) Three sets to the department of labor;
- "(29) Five sets to the public service commission;
- "(30) Five sets to the department of pensions and security;
- "(31) Ten sets to the department of revenue;
- "(32) Five sets to the state toxicologist;

"(33) One set to each functioning agency, department, institution, bureau, board and commission of state government not otherwise provided for by this chapter, upon application therefor to the secretary of state;

~~"(34) One set each to every congressman and representative from the state of Alabama in the congress of the United States;~~

~~"(35) One set each to every sheriff;~~

~~"(36) One set to the commission of each county for use of said county commission and for use of the tax assessor, tax collector and other county officers to whom distribution is not otherwise provided;~~

~~"(37) One set to the circuit court of each county and, in counties having two courthouses, one set for the office of the circuit clerk maintained in each of said courthouses;~~

~~"(38) One set to the register of the circuit court in every county and, in counties having two courthouses, one set to the office of the register maintained in each of said courthouses; provided, however, that in counties where the offices of circuit clerk and of register are held by the same person, only one set shall be provided;~~

~~"(39) One set to the clerk of the district court and juvenile court in counties where clerks offices for these courts are maintained;~~

~~"(40) One set to the probate judge of each county;~~

~~"(41) One set to every justice of the supreme court and every judge of the court of criminal appeals and court of civil appeals and one set to each law clerk or research assistant thereof;~~

~~"(42) One set each to the clerk of the supreme court, court of criminal appeals, court of civil appeals and reporter of decisions;~~

~~"(43) One set to every judge of the circuit and district courts;~~

~~"(44) One set to every district attorney and deputy district attorney;~~

~~"(45) One set to the office of the secretary of the senate for the use of the senate and one set to the office of the clerk of the house of representatives for the use of the house of representatives;~~

~~"(46) One set to the mayor or other executive or presiding officer of each municipality for use of such municipality;~~

~~"(47) Two sets to the Alabama state bar association; and~~

~~"(48)(2) Five Six sets to the clerk of the house of representatives and five six sets to the secretary of the senate."~~

Section 3. Section 41-21-4, Code of Alabama 1975, is amended to read as follows:

"§41-21-4.

"(a) Any contract to publish the official code of the statutes of Alabama under Section 29-7-6 may relate to any medium or form of the code and shall not be subject to the competitive bid laws of the state, including, but not limited to, Article 2 (commencing with Section 41-16-20) and Article 3 (commencing with Section 41-16-50) of Chapter 16 of this title.

"(b) The publisher of the 1975 Code of Alabama is hereby authorized to A person under contract with the state to publish the official code of the statutes of Alabama may sell said annotated the code or any portion of the code, in any form or medium, pursuant to the contract to any person, firm, or corporation within or without outside the state, so long as the same are available for sale if it is sold at prices as may be determined and fixed by said the publisher and the governor Legislative Council."

Section 4. Section 41-21-5, Code of Alabama 1975, is amended to read as follows:

"§41-21-5.

"Except those sets of codes distributed to members of the legislature and the lieutenant governor persons specified in subdivision (1) of subsection (b) of Section 41-21-1, the title to a set of the code, or any portion of the code, including, but not limited to, supplements, replacement volumes, and indexes, in any medium or form, purchased by a state agency, department, institution, bureau, board, commission, or office under this chapter, the title to all of the sets of the annotated code, the distribution of which to officers and offices of the state and the several counties and municipalities thereof is provided for in this chapter, shall forever remain in the state of Alabama and said sets shall never shall belong to the state and shall not become the personal property of any person or corporation, however long they shall have had possession of the set or portion of the set thereof. Officers, employees, and agents of the state and of the several counties thereof to whom who receive a set or portion of a set, in any medium or form, of said annotated the code is transmitted by the secretary of state under the provisions of this chapter paid for with public funds, upon the severance of their connection with their offices, employments or agencies state agency, department, institution, bureau, board, commission, or office, shall deliver ever to their successors, if any, and, if there are no successors, to the secretary of state, sets of the annotated the code or portion of the code, in any medium or form, in their custody. Upon the failure of any officer, employee, or agent to comply with the provisions of this section relative to the return of sets of annotated code in their custody, they, the person and the sureties upon their official bonds, if any, shall be liable for the value of the sets or volumes thereof set or portion of the code, in any medium or form, not returned. as required by this section, to be The value

shall be recovered by action in the name of the state, commenced and prosecuted by the district attorney of the county of their respective residences in any where the person resides in a court of appropriate having jurisdiction of said action."

Section 5. Section 41-21-6, Code of Alabama 1975, is amended to read as follows:

"§41-21-6.

~~"It shall be the duty of the~~ The secretary of state to take shall maintain receipts from each public official of the state ~~and of the several counties to whom he distributes sets of said annotated the code or portion of the code, in any form or medium, were distributed by the Secretary of State under this chapter. And, in the event that the secretary of state shall transmit sets for the use of all of the officers of a county to one officer of the county for distribution to the several officers in said county entitled thereto, the officer making such distribution shall take receipts from the officers, agents or employees in said county to whom he distributes said sets, showing the number of sets distributed and the date of distribution, which said receipts must be witnessed by the officer distributing the same, and said receipts shall forthwith be sent by registered mail to the office of the secretary of state.~~

"The secretary of state shall register in a well-bound book, which shall be a permanent record in his the office, the name, official title, and address of every each public official, employee or agent of the state and of the several counties thereof to whom has been distributed sets of said annotated the code or portion of the code, in any form or medium, have been distributed by the Secretary of State under the provisions of this chapter. , and who has The book shall specify who signed a receipt therefor and shall record for the code, the date of said distribution, and the number of sets distributed to each such the officer, agent or employee. Upon the return of any sets or portions of sets, in any form or medium, by officers, agents, and employees of the state or of any county thereof, as provided in this chapter, the secretary of state shall note in said the record book the date of said return and the number of sets or volumes or portions of sets, in any form or medium, returned."

Section 6. Section 41-21-7, Code of Alabama 1975, is amended to read as follows:

"§41-21-7.

~~"The governor of the state of Alabama shall be and he is hereby authorized to~~ Code Commissioner may contract for the preparation and publication of a compilation or abridgment in any form or medium of those sections of the Code of Alabama relating to a specific agency, department, institution, bureau, board, or commission, or subject which, in the opinion of the governor Legislative Council, is essential to the effective performance of the duties of ~~said the~~ said the agency, department, institution, bureau, board, or commission requesting the publication.

~~Such~~ A contract for the publication of ~~such~~ a compilation or abridgment may be entered into only after funds have been appropriated or ~~is~~ are otherwise available to ~~such~~ the agency, department, institution, bureau, board, or commission for ~~such~~ the publication. ~~Such~~ The compilation ~~shall~~ may be completely indexed and may include the annotations to the sections of the code included in the compilation."

Section 7. Section 41-21-8, Code of Alabama 1975, is amended to read as follows:

"§41-21-8.

"There is ~~hereby~~ appropriated, out of the moneys in the state treasury not otherwise appropriated, such amounts of money as are, or may be, necessary to carry out the provisions of this chapter relating to the distribution of ~~the sets of said the code to the several state and county officers, agents and employees.~~"

Section 8. Sections 41-21-2 and 41-21-3, Code of Alabama 1975, are repealed.

Section 9. Sections 2, 4, 5, 7, and 8 of this act shall become effective on October 1, 1996. The remaining sections of this act shall become effective immediately upon passage and approval by the Governor, or otherwise becoming a law.

### SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 83; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representative Rogers (J).

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 422. To amend Section 36-12-40, Code of Alabama 1975, to allow access to certain files of public employees.

TOMMY CARTER  
Chairman

And the bill, H. 422, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 761. To amend Section 37-15-4, Code of Alabama 1975, to provide further for location of any proposed excavation or demolition and for exemptions to the notice requirements.

TOMMY CARTER  
Chairman

And the bill, H. 761, as engrossed, was ordered sent to the Senate.

**H. 103 RESUMED**

And the bill:

H. 103. Requiring the Code Commissioner to have acts of the Legislature and the Code of Alabama 1975 copyrighted; permitting state agencies to purchase the code and abolishing portions of the present distribution system; providing that the contract for the publishing and selling of the Code of Alabama 1975 shall not be subject to laws regarding competitive bidding contracts; providing for the determination of the price the publisher will charge for the sale of the code; providing for maintenance of distribution records, ownership, judicial action for the



value of misappropriated codes, and appropriations; permitting the Code Commissioner, upon a determination by the Legislative Council, to contract for the publishing of compilations of portions of the code regarding a specific state agency; repealing provisions regarding lost or destroyed copies and distribution; amending Sections 36-13-5, 41-21-1, 41-21-4, 41-21-5, 41-21-6, 41-21-7, and 41-21-8, Code of Alabama 1975; repealing Sections 41-21-2 and 41-21-3, Code of Alabama 1975; and providing a prospective effective date for certain sections of the act.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable and Willis.

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#### **REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 256. To amend Section 32-7-5 of the Code of Alabama 1975, relating to the period of filing forms of reports of motor vehicle accidents under certain conditions by extending the time for an owner reporting a motor vehicle accident when the operator is physically incapable of making the report.

**TOMMY CARTER**  
Chairman

And the bill, H. 256, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 496. To reopen the Employees' Retirement System for purchase of prior service credit by an active and contributing member of the Cooperative Extension Service of Auburn University; to provide for the cost of purchasing the prior service credit; and to provide for the expiration of this act.

**TOMMY CARTER**  
Chairman

And the bill, H. 496, as engrossed, was ordered sent to the Senate.

**SPECIAL ORDER CALENDAR RESUMED****BUDGET ISOLATION RESOLUTION OFFERED**

Representative Wren offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 449.

**TIME TO DEBATE EXPIRED**

In accordance with the resolution, H.R. 351, the time to debate the bill, H. 449, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

**RESOLUTION**

The following resolution was introduced:

By Representatives Smith, Knight (A), Hill, Gaines, Carns, Hawkins, Hilliard, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

**H.J.R. 352. MOURNING THE DEATH OF STAFF SERGEANT ROBERT FARRINGTON, JR.**

WHEREAS, it is with profound sorrow and regret that the Alabama Legislature notes the recent tragic death of Staff Sergeant Robert Farrington, Jr., who was killed in the crash of a jetliner while on a rebuilding mission to the Balkan Region; and

WHEREAS, Sergeant Farrington, son of Robert L. and Ina Ray Farrington, Sr., was born in Brierfield, Alabama, on April 2, 1962, excelled across the entire spectrum of school activities at Bibb County High School where he graduated in 1980, and attended both the University of Montevallo in Montevallo, Alabama, and Lawson State Junior College in Birmingham, Alabama; and

WHEREAS, Sergeant Farrington, an Executive Airlift Specialist instructor with the 76th Airlift Squadron, Ramstein Air Base, Germany, was assigned to Yokota Air Base, Japan, from March 1986 to 1988 working as a member of the 475th Supply Squadron, Fuels Management Branch and Preventive Maintenance Team; he was the only recipient out of over 100 active duty personnel assigned to his branch to receive an Outstanding Performance Award during the Wing Unit Effectiveness Inspection, and was selected for Senior Airman below-the-zone, and 1987 Outstanding Airman of the Year for the 475th Fuels Management Branch; and

WHEREAS, his numerous other assignments include Charleston Air Force Base, South Carolina; Taegu Air Base, Republic of South Korea, where he was selected as 1989 Professional Provider of the Year for the 460th Tactical Reconnaissance Group, 460th Supply Squadron; and Altus Air Force Base, Oklahoma, where he was deployed to Lajes Field, Azores, for seven months in support of Operations Desert Shield and Desert Storm; and

WHEREAS, Sergeant Farrington received the distinguished 1991 Outstanding NCO of the Year Award while assigned to the 443rd Air Wing, 43rd Supply Squadron, Fuel Management Flight; and

WHEREAS, Sergeant Farrington amassed over 1,500 accident-free flying hours transporting high-ranking United States and Foreign dignitaries to include a former U.S. President, Secretary of Defense, U.S. Ambassador to the United Nations, numerous senatorial and congressional delegations, and senior military leaders; and

WHEREAS, Sergeant Farrington was selected as Outstanding NCO, aircrew member, and subsequently as 1993 Outstanding NCO of the Year, and had flown 53 operational missions into designated combat zones in direct support of Operations PROVIDE COMFORT, PROVIDE PROMISE, RESTORE HOPE, DENY FLIGHT, and JOINT ENDEAVORS; and

WHEREAS, left to cherish his memory are his loving parents, Robert L. and Ina Ray Farrington, Sr.; sisters, Evelyn C. Farrington and Sonya F. Hudson; brothers, Dwight Fulgham, and Douglas A. and Kelvin Farrington; members of the 76th Airlift Squadron, 86th Airlift Wing, and other family members and friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express deepest regret at the death of Staff Sergeant Robert Farrington, Jr., and extend heartfelt sympathy to his bereaved family and friends, for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Representative Smith, the rules were suspended and the resolution, H.J.R. 352, was adopted.

#### **SPECIAL ORDER CALENDAR RESUMED**

#### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Venable, the Budget Isolation Resolution relating to the bill, H. 86, was adopted.

Yeas 86; Nays 1.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representative Dolbare.

**REGULAR SESSION**  
**18th Day**

1873

And the bill:

H. 86. To amend Section 40-12-260 of the Code of Alabama 1975; to provide that effective January 1, 1998, license plates, except those issued for antique vehicles, would stay with the owner and not the vehicle; to increase the penalty to \$10 for failure to register a vehicle within 10 days of acquisition, which revenue shall be used for local jurisdiction motor vehicle administration training; to require that proof of ownership be retained in a vehicle subject to registration in this state on or after January 1, 1998, and being operated on the public roads and highways of this state; to provide penalties for violations; and to repeal Section 40-12-266 of the Code of Alabama 1975.

was taken up.

**SUBSTITUTE OFFERED**

Representative Venable offered the following substitute to the bill, H. 86:

**A BILL**  
**TO BE ENTITLED**  
**AN ACT**

To amend §40-12-260, Code of Alabama 1975, and establish that effective January 1, 1998, license plates, except those issued for antique vehicles, will follow the owner; to increase the penalty to \$10.00 for failure to register a vehicle within 10 days of acquisition, which revenue shall be used for local jurisdiction motor vehicle administration training; to require proof of ownership be retained in a vehicle subject to registration in this state on or after January 1, 1998, and being operated on the public roads and highways of this state; to amend § 40-12-264 to provide for two-year dealer license plates at a revised fee and revise the maximum number of license plates a dealer be authorized; to simplify vehicle registration penalty laws, and to repeal Sections 40-12-261 and 40-12-266.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Section 40-12-260, Code of Alabama 1975 is amended to read as follows:

"40-12-260.

~~(a) When proper motor vehicle license tags shall have been bought for the current tax year for a motor vehicle and such motor vehicle has been sold or transferred to a new owner or to new owners, either once or successively, such motor vehicle license tags shall remain on such motor vehicle in the hands of the new owner or successive owners for the balance of the tax year, except for license tags issued pursuant to Sections 32-6-70, 32-6-90, 32-6-110, 32-6-130, 32-6-150, and 32-6-170, as amended, which shall remain with the eligible owner, and no~~

new or other license tags need be taken out for the operation of such motor vehicle until the beginning of the next tax year. The new owner of a motor vehicle shall file, within 10 days from the change in ownership, on forms provided by the Department of Revenue, a report of the change in ownership with the probate judge or other county official authorized and required by law to issue motor vehicle license tags of the county in which the owner resides, if the owner is an individual, or of the county in which said motor vehicle is used or operated if the owner is a firm, corporation, or association. The probate judge or other issuing officer shall, not later than the next business day after receipt of the report of the change in ownership, mail or deliver the original of the report to the Department of Revenue and one copy to the probate judge or other issuing officer of the county where the motor vehicle license tag was issued. One copy shall be retained in the files of the judge of probate or other issuing officer and one copy shall be furnished to the new owner. Licensed dealers in motor vehicles shall not be required to file the report of change in ownership as required herein with respect to motor vehicles acquired and held by such dealers for sale; provided, that any private or personal use of such a motor vehicle by a dealer shall require the filing of a report of change of ownership.

(b) No motor vehicle license tags shall be transferred from one motor vehicle to another motor vehicle, except license tags issued pursuant to Sections 32-6-70, 32-6-90, 32-6-110, 32-6-130, 32-6-150, and 32-6-170, as amended, which shall remain with the eligible owner, nor shall any motor vehicle be operated with motor vehicle license tags which were originally purchased or taken out for use on, or for the operation of, another motor vehicle; except, that where a license tag costing \$100 or more, exclusive of any fees or penalties incurred in the issuance of such tag, has been procured for a motor truck or truck tractor, or where a license tag has been procured for a taxicab, or motor bus, which motor truck or truck tractor, taxicab, or motor bus is afterwards, during the same tax year, sold by the owner thereof, such owner may, by applying to the judge of probate or other county official authorized and required by law to issue motor vehicle license tags of the county of owner's residence, if the owner is an individual, or of the county in which said motor vehicle is used or operated, if the owner is a firm, corporation, or association, procure a transfer of such tag to a motor vehicle of the same class to be substituted as a motor truck, truck tractor, taxicab, or motor bus for the one sold. The record of the transfer shall be made on forms provided by the Department of Revenue. The probate judge or other issuing officer shall, not later than the next business day after receipt of the report of transfer, mail or deliver the original of the record of transfer to the Department of Revenue and one copy to the probate judge or other issuing officer of the county where the motor vehicle license tag was issued. One copy shall be retained in the files of the officer receiving the report of transfer and one copy shall be furnished to the owner. The probate judge or other issuing officer shall receive a fee of \$1 for each transfer, such fee to be paid by the owner of such motor truck, truck tractor, taxicab, or motor bus; provided, that in all counties where the probate judge or other issuing officer is paid on a salary basis instead of a fee basis, the additional fee herein charged shall be paid by said probate judge or other issuing officer into the treasury of the county.

~~(c) No motor vehicle license tags shall be transferred from one motor vehicle to another motor vehicle, except license tags issued pursuant to Sections 32-6-70, 32-6-90, 32-6-110, 32-6-130, 32-6-150, and 32-6-170, as amended, which shall remain with the eligible owner, nor shall any motor vehicle be operated with motor vehicle license tags which were originally purchased or taken out for use on, or for the operation of, another motor vehicle; except, that where a license tag costing \$100 or more, exclusive of any fees or penalties incurred in the issuance of such tag, has been procured for a motor truck or truck tractor or where a license tag has been procured for a taxicab or motor bus, which motor truck or truck tractor, taxicab, or motor bus is afterwards, during the same tax year, destroyed or junked, by the owner thereof, such owner may, by applying to the judge of probate or other county official authorized and required by law to issue motor vehicle license tags of the county of owner's residence, if the owner is an individual, or the county in which said motor vehicle is used or operated, if the owner is a firm, corporation, or association, procure a new license tag for a fee of \$1; provided, that the new motor vehicle tag is issued for a motor vehicle of the same class to be substituted as a motor truck, truck tractor, taxicab, or motor bus for the one so destroyed or junked. Such fee shall be paid by the owner of such motor truck, truck tractor, taxicab, or motor bus to the judge of probate or other issuing officer; provided, that in all counties where the probate judge or other issuing officer is paid on a salary basis instead of a fee basis, the fee herein provided for shall be paid by such probate judge or other issuing officer into the treasury of the county.~~

~~(d) When a motor vehicle is acquired under legal proceedings or is repossessed under authority of conditional sales contract, security agreement, mortgage, or other lien, the person so acquiring such motor vehicle shall file, within 10 days of such acquisition, with the probate judge or other county official authorized and required by law to issue motor vehicle license tags of the county of owner's residence, if the owner is an individual, or the county in which said motor vehicle is used or operated, if the owner is a firm, corporation, or association, a copy of such court order or memorandum of sale, signed by the auctioneer or other person selling the same at foreclosure or under conditional sales contract, security agreement, mortgage, or lien, along with a report of the change in ownership, prepared on forms provided by the state department of revenue, and such order or memorandum shall be properly noted on the duplicate license record and retained in the office of the probate judge or other issuing officer. The probate judge or other issuing officer shall, not later than the next business day after receipt of the report of the change in ownership, mail or deliver the original report of the change in ownership to the State Department of Revenue and one copy to the probate judge or other issuing officer of the county where the motor vehicle license tag was issued. One copy shall be retained in the files of the probate judge or other issuing officer receiving such report, court order or memorandum, and one copy shall be furnished to the new owner.~~

~~(e) Any person who acquires a motor vehicle and fails to report the change in ownership to the probate judge or other county official authorized and required by law to issue motor vehicle license tags of the county of owner's residence, if the owner is an individual, or the county in which said motor vehicle is operated, if the owner is a firm, corporation or association, or who fails to file a copy of the~~

court order or memorandum of sale when a motor vehicle is acquired under legal proceedings or is repossessed, within 10 days from the date upon which the motor vehicle was acquired or repossessed, shall be penalized the sum of \$1.50. The penalty shall be allowed the probate judge or other issuing officer and shall be paid to him when the change of ownership is reported or when the court order or memorandum of sale is filed. Any person, firm, or corporation engaged in the business of selling or otherwise disposing of motor vehicles shall furnish each purchaser of a motor vehicle with a legal bill of sale or invoice on which there shall be printed, stamped or otherwise inscribed thereon in a bold and conspicuous manner the words: "Penalty of \$1.50 due if not transferred within 10 days." It shall be the duty of the person who acquires a motor vehicle to make application to the probate judge or other issuing officer of the county of his residence, if the owner is an individual, or the county in which said motor vehicle is operated, if the owner is a firm, corporation, or association, for transfer of ownership. Where such application form is not completed prior to the time the applicant submits it to the probate judge or other issuing officer, it must then be completed or filled out completely by the probate judge or other issuing officer, and an additional fee of \$.25 may be charged by the probate judge or other issuing officer. Such additional fee shall be paid to the probate judge or other issuing officer by the new owner; provided, that in all counties where the probate judge or other issuing officer is paid on a salary basis instead of a fee basis, the additional fee herein charged shall be paid by said probate judge or other issuing officer into the treasury of the county.

(f) Any person failing to perform the duty required of him by the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$25 nor more than \$100 for each offense.

"(a) Effective January 1, 1998, license plates, except for license plates issued under the provisions of section 40-12-290, et seq., or any subsequent enactment which authorizes special license plates based on vehicle age, shall not be transferable between motor vehicle owners and the following registration procedures shall apply:

"(1) When a current and valid Alabama motor vehicle license plate has been obtained for the current tax year for use on a motor vehicle and the vehicle has been sold or otherwise transferred to a new owner, the license plate shall be removed from the vehicle and retained by the original plate owner.

"(2) In the event an owner purchases, trades, exchanges or otherwise acquires another vehicle of the same license registration classification, the licensing official shall authorize the transfer of the current and valid Alabama license plate previously obtained by the owner to the replacement vehicle for the remainder of the current license year. In the further event the owner acquires a vehicle requiring a higher license classification, the owner shall first request a transfer of the valid Alabama license plate to the newly acquired vehicle, and, immediately, shall surrender the license plate to the issuing official, and upon payment of the difference in registration fees on a monthly prorated basis, shall be



issued the higher license plate classification. Provided, that the owner shall not be entitled to a refund when the registration fee for the vehicle to which the plate(s) is to be assigned is less than the registration fee for that vehicle to which the license plate(s) was last assigned. Furthermore, if the owner does not have or does not acquire another vehicle to which the license plate(s) may be transferred, the owner shall not be entitled to a refund.

"(3) In the event the owner of a license plate purchases, trades, exchanges or otherwise acquires a vehicle for which a license plate has been issued during the current license year, and the license plate has not been removed by the previous owner in accordance with this section, the new owner of the vehicle shall remove and return the license plate to the county license plate issuing official of the county where the owner resides, if the owner is an individual, or of the county in which said motor vehicle is used or operated if the owner is a firm, corporation or association, who shall receive, account for, and dispose of the license plate. However, if the license plate has expired, the new owner shall not be required to surrender the license plate.

"(4)a. The new owner of a motor vehicle shall, within ten calendar days from the date of vehicle purchase or acquisition, make application to record the registration of the vehicle by the transfer to or the purchase of a license plate for the newly acquired vehicle with the license issuing official of the county in which the owner resides if the owner is an individual, or with the license issuing official of the county in which the motor vehicle is used or operated if the owner is a firm, corporation or association and shall pay the fee provided under §40-12-271.

"b. The county license issuing official shall, mail or deliver a copy of the registration receipt to the Department of Revenue not later than the tenth day of the month succeeding the month the registration was issued or transferred. One copy shall be retained in the files of the county license issuing official, and one copy shall be furnished to the registered owner. However, the Department of Revenue may waive the sending of the receipt if the data is electronically transmitted; provided, that the data electronically transmitted shall be furnished to the Department of Revenue by the tenth day of the month succeeding the month in which the registration was issued or transferred.

"c. Licensed motor vehicle dealers shall not be required to register vehicles in the name of the dealership for vehicles held for resale. The dealership shall register any motor vehicle and purchase an Alabama license plate of the proper classification for any motor vehicle purchased, leased, or otherwise withdrawn from dealer inventory for private, personal, or business use by any person, including any of the dealership employees.

"(5) Any person failing to register a motor vehicle by timely transferring the license plate as provided by subsections (a)(2) and (a)(4) above and (a)(7) below shall pay a penalty of ten dollars(\$10). The penalty shall be paid into the treasury of the county, with the county treasurer maintaining these moneys as a special training fund. Only one special training fund shall be established in each county.

These moneys shall be used for all reasonable and necessary official educational expenses directly related to the assessment and collection of taxes on motor vehicles or registration and titling of motor vehicles. The special training fund shall be for the use of the officials in the county charged with the motor vehicle responsibilities mentioned above, and shall be in addition to the amount budgeted for these offices. Moneys shall be disbursed by the county treasurer for the payment of the motor vehicle related educational expenses of those officials and their employees by the county officials requisitioning expenditures from the fund. Not more than three thousand dollars (\$3,000) shall be paid into the special training fund during any fiscal year (October 1 through September 30). Any excess moneys shall accrue to the general fund of the county.

"(6) Any person, firm or corporation engaged in the business of selling or otherwise disposing of motor vehicles which are required to be registered in this state shall furnish each purchaser of a motor vehicle with a legal bill of sale on which there shall be printed, stamped or otherwise inscribed in a bold and conspicuous manner the words: "Penalty of ten dollars (\$10) due if vehicle is not registered in the name of the new owner within ten calendar days."

"(7) a. In the event a motor vehicle is registered pursuant to section 32-6-150 or section 32-6-300, or any other section designated by the Commissioner of Revenue by rule or regulation, and is transferred to the transferor's spouse or child, at the option of the transferor, the license plate may remain on the vehicle in the hands of the transferee upon payment of the fee for recording the transfer of the license plate.

"b. 1. A surviving spouse, desiring to operate a vehicle devolving from a deceased spouse, shall present an application for certificate of title to the licensing official in his or her name within thirty days of obtaining ownership. The licensing official shall then transfer the license plate to the surviving spouse. If the motor vehicle is not subject to the provisions of the Alabama Uniform Certificate of Title and Antitheft Act (§32-8-1, et. seq.), the surviving spouse shall provide the licensing official evidence that ownership has been conveyed to the surviving spouse.

"2. In the event that a vehicle is registered and bears a distinctive plate or a registration fee-exempt plate, the plate shall be surrendered to the licensing official within thirty days of the date of obtaining ownership conveyance and, upon surrender, the owner shall make application for registration of the vehicle. If the motor vehicle is not subject to the Alabama Uniform Certificate of Title and Antitheft Act (§ 32-8-1, et. seq.), the surviving spouse shall provide the licensing official evidence that ownership has been conveyed to the surviving spouse.

"(8) In the event the owner of a motor vehicle junks the vehicle or the vehicle is totally destroyed, the license plate may be transferred to a motor vehicle of the same class during the same tax year. The owner of the license plate, after authorization by the licensing official, and after compliance with the provisions of the Alabama Uniform Certificate of Title and Antitheft Act, if applicable, may

transfer the plate to a vehicle currently owned but not operated by that owner for the period remaining before expiration of the registration, or the license plate may be transferred to a newly acquired vehicle.

"(9) All references in this article to the words "tag" or "plate" shall have identical meaning and may be used interchangeably. The words "tag," "plate," and "owner" shall mean singular or plural.

"(b)(1) Any person operating a self-propelled vehicle required to be registered in this state on the public roads and highways of this state shall retain within the vehicle a current and valid Alabama motor vehicle registration receipt issued to the vehicle being operated. This subsection shall apply to all vehicles registered on or after January 1, 1998.

"(2) Within the first ten calendar days of purchase or acquisition of a self-propelled motor vehicle, prior to receiving a copy of a registration receipt, there shall be retained within the vehicle being operated a legible copy of the legal bill of sale if the motor vehicle is not subject to the provisions of the Alabama Uniform Certificate of Title and Antitheft Act (§ 32-8-1, et. seq.), or the owner's permit copy of the application for certificate of title for a 1975 and subsequent year model vehicle, or an official copy of a current and valid Alabama temporary registration receipt as authorized under § 32-6-210 to § 32-6-219, inclusive, assigned to the vehicle being operated.

"(3) The retained documents specified by subsections (b)(1) and (b)(2) above shall be presented, on demand, by the vehicle operator, for inspection by law enforcement officers. It shall be unlawful for the operator to fail or refuse to present, when requested by a law enforcement officer, the official registration receipt, or other document herein described, or legible copy thereof, for the vehicle being used or operated.

"(4) A motor vehicle dealer licensed under the provisions of § 40-12-390 to § 40-12-400, inclusive, or a motorcycle dealer licensed under the provisions of § 40-12-62, or any motor vehicle manufacturer utilizing manufacturer license plates as authorized under the provisions of subsection (i) of § 40-12-264 shall not be required to comply with this subsection for self-propelled motor vehicles within the dealer inventory of the motor vehicle dealer, or, in the case of the motor vehicle manufacturer, shall not be required to comply for new vehicles utilizing the manufacturer license plates and being operated within the provisions of subsection (i) of § 40-12-264.

"(c) Any person failing to perform the duties required by the provisions of this section shall be guilty of a Class C misdemeanor and, upon conviction thereof, shall be fined not less than fifty dollars (\$50.00)."

Section 2. Section 32-6-65 is hereby amended as follows:

"Section 32-6-65.

"a) There shall be one uniform registration renewal form to be used statewide. Such form shall be designed so as to provide for both the transfer of ownership and the registration of the vehicle. ~~The department of revenue, or any other state agency authorized to do so, shall print and issue vehicle registration renewal notices in such a way that they can be processed or read by "optical character reader" machines.~~ All receipts shall be sent to the county agencies charged with handling vehicle registration. All receipts shall be machine prepared. The state and the county shall capture the color of the motor vehicle in their permanent records. This paragraph shall not give the department of revenue authority to centralize vehicle registration. Centralized registration is specifically prohibited and it is the legislative intent that automotive vehicle registration shall remain at the county level.

"(b) A penalty of ~~\$15.00~~ \$10.00 shall be assessed by the official charged with issuing motor vehicle licenses for the late registration of a motor vehicle, ~~under the system of registration imposed by this subdivision. Licenses shall be renewed at any time during the month of expiration; provided, however, persons renewing licenses within 10 calendar days after the month of expiration shall pay only a \$2.00 penalty fee. Persons renewing licenses 20 days after the \$2.00 penalty fee time limit shall pay \$15.00. Persons renewing licenses after the \$15.00 penalty fee shall pay \$25.00.~~ "Late registration of a motor vehicle" shall include (a) the failure to register the vehicle within 10 calendar days of the date of purchase or acquisition; (b) the failure to renew the registration in the designated renewal month; and (c) the failure to register the vehicle in accordance with the provisions of Section 40-12-262(a). It shall be the duty of all sheriffs, police officers, state troopers, license inspectors, deputy license inspectors, field agents of the department of revenue, and other law enforcement officers to arrest any person operating a motor vehicle without the current license plate displaying the proper tab, disc or decal. Persons apprehended, ~~more than 10 days after the month of expiration of the license, for operating a motor vehicle without the current license plate,~~ upon conviction by a court of competent jurisdiction, shall be fined not less than \$25.00.

"(c) All penalties assessed by this section shall be distributed in the same manner as motor vehicle licenses and registration fees are distributed as provided in sections 40-12-269 and 40-12-270. Portions of section 40-12-10 as they may conflict with this section, are hereby repealed and superseded."

Section 3. Section 40-12-264 is hereby amended as follows:

"40-12-264.

"(a) A purchaser of a new or used motor vehicle may be granted a grace period of 10 days from date of purchase in which to procure license tags.

"(b) Effective October 1, ~~1994~~ 1997, a motor vehicle dealer who has a current dealer license as required by Sections 40-12-51 and 40-12-391, or Section 40-12-169, may purchase dealer license plates at a cost of ~~seven dollars (\$7)~~

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seventeen dollars (\$17) per dealer plate; provided, that license plates shall be valid for a maximum period of two years, and anyone obtaining the license plates for a period of twelve months or less shall pay one-half the fee. The net proceeds of the sale of license plates are continuously appropriated to the Department of Transportation for their general operation fund. The number of dealer license plates to be acquired shall be determined by the combination of the number of full-time salespersons of a dealership and the number of motor vehicles sold at retail during the previous license year. This schedule is as follows:

"(1) Licensed motor vehicle dealers with annual retail sales of more than four motor vehicles, and less than 50 motor vehicles, may procure up to a maximum of three dealer license plates regardless of the number of salespersons.

"(2) Licensed motor vehicle dealers with annual retail sales of 50 motor vehicles or more may procure a maximum of ~~two~~ three dealer license plates for each full-time salesperson of a dealership.

"(3) A licensed motor vehicle wholesaler, not otherwise licensed as a motor vehicle dealer, motor vehicle rebuilder, or motor vehicle reconditioner, may procure a maximum of five dealer license plates if the number of wholesale sales made during the previous license year was more than four motor vehicles and less than 50; and for each additional unit of 50 sales for the previous license year may secure an additional dealer license plate; provided, the maximum number of dealer license plates that may be obtained is ~~40~~ 15.

"(4) Beginning October 1, ~~1995~~ 1997, a licensed motor vehicle wholesaler who is also licensed as a motor vehicle dealer may procure a maximum of five dealer license plates if the total number of wholesale and retail sales made during the previous license year was more than four and less than 50 motor vehicles; and for each additional unit of 50 sales of any combination of retail and wholesale sales for the previous license year, an additional dealer license plate may be secured; provided, the maximum number of dealer license plates that may be obtained is ~~40~~ 15.

"(5) A licensed motor vehicle rebuilder or a licensed motor vehicle reconditioner, not otherwise licensed as a motor vehicle dealer or motor vehicle wholesaler, may procure a maximum of five dealer license plates.

"(6) A licensed motor vehicle dealer who has been in operation less than one year shall provide a reasonable estimate of the number of motor vehicles to be sold during the current license year and may procure dealer license plates according to the schedule and category for motor vehicle dealers shown above. After one full year of operation and for each license year thereafter, dealer license plates shall be procured based on the actual number of motor vehicles sold at retail, and, if applicable, the total number of retail and wholesale sales, during the previous license year and the number of full-time salespersons of a dealership according to the schedule and category above.

"(c) A licensed motor vehicle dealer may use dealer license plates on vehicles owned by the dealership and being held for resale, and dealer license plates may be used in cases where the vehicle owner has entered into a consignment sales contract with the dealer. Dealer license plates shall not be used on vehicles that are utilized by the dealership as rental or lease vehicles, tow trucks, service trucks, and other service vehicles. Notwithstanding the foregoing, the dealership owner and full-time salespersons of a dealership may drive dealership-owned vehicles displaying dealer license plates at any time for any business purpose, including travel to and from home. Dealer license plates may be used to transport dealership-owned vehicles or to deliver a customer purchased vehicle. A prospective purchaser may make demonstrations of dealership-owned vehicles displaying dealer license plates to his or her own satisfaction without the motor vehicle dealer's representative being in attendance. A prospective purchaser shall be limited to 72 hours of use. All automobiles on temporary loan from a motor vehicle dealer to a high school for the purpose of student driver education shall be considered dealer demonstrator automobiles and may be issued an additional dealer license plate for each vehicle loaned to the student program. Dealer license plates issued for use on high school driver education vehicles shall be surrendered and returned to the official who issued the plates when the vehicles are returned to the dealership.

"(d) Licensed motor vehicle dealers selling trucks or truck tractors with more than two axles on the power unit or a gross weight exceeding 26,000 pounds shall allow prospective purchasers to use dealer license plates for one payload trip only, and that use shall not exceed 72 hours. The dealer shall provide the prospective purchaser a permit fully describing the vehicle by make, model, year, and vehicle identification number. The permit shall contain the complete name and address of the dealership and of the prospective customer and shall clearly indicate the date and time the permit was issued. The permit and dealer license plate shall be issued only for demonstration purposes, and shall not be issued by the dealer when a vehicle is loaned or rented to an operator for any other purpose.

"(e) A licensed motor vehicle wholesaler may use dealer license plates on vehicles being offered for sale to licensed motor vehicle dealers. Dealer license plates may be used by the wholesaler to display, test, demonstrate, or transport vehicles within the wholesale inventory. Dealer license plates shall not be used on service vehicles owned by the wholesaler.

"(f) A licensed motor vehicle rebuilder or motor vehicle reconditioner may use dealer license plates in accordance with subsection (a) of Section 32-8-87.

"(g) Any person acquiring dealer license plates as provided by this section shall be subject to audit by the Department of Revenue to determine the validity of the information contained in the dealer license plate applications, including the names and number of full-time salespersons, the number of motor vehicles sold at retail and at wholesale during the previous license year, and the number of dealer license plates procured. Any person who willfully provides a false statement on an application for dealer license plates shall be subject to a penalty imposed by the

department of fifty dollars (\$50) for each dealer license plate falsely acquired and each such tag shall be forfeited. The licensee may request an appeal under the provisions of Chapter 2A of this title for a forfeited dealer license plate.

"(h) An additional administrative fee of three dollars (\$3) shall be collected for each dealer license plate. The proceeds of the fee are continuously appropriated to the Department of Revenue for the sole purpose of enforcing the dealer licensing laws and the enforcement of the use of dealer license plates in accordance with this section, including salaries and the cost of operation of the department for the purpose of enforcing the dealer licensing laws and enforcement of the use of dealer plates for demonstration purposes. The expenditure of the sums appropriated shall be budgeted and allotted pursuant to Article 4 of Chapter 4 of Title 41, and limited to the amount appropriated to defray the expenses of enforcing the dealer licensing laws for each fiscal year, incident to the administration of this section.

"(i) Any manufacturer of private passenger automobiles, trucks, truck tractors, trailers, or manufactured homes who has manufacturing facilities located in this state, may procure license plates, at a cost of twenty-five dollars (\$25) per plate. The word "manufacturer" shall appear on the license plates. The license plates may be used for transporting and testing new vehicles or manufactured homes owned by the manufacturer.

"(j) The proceeds of the fees levied by subsections (b), (h), and (i) shall not be subject to proration.

"(k) Any person to whom license plates are issued under this section, upon forfeiture of his or her license under Section 40-12-390 et seq., or upon discontinuing business, shall surrender to the Department of Revenue all license plates so issued.

"(l) Dealer or manufacturer license plates may not be used in lieu of regular issued license plates as a means of avoiding the registration and ad valorem tax requirements of Chapter 12 of this title. Any person who willfully violates this section of law shall be subject to a Department of Revenue penalty of not less than one hundred dollars (\$100) and not more than three hundred dollars (\$300) for each violation."

Section 4. Sections 40-12-266 and 40-12-261, Code of Alabama, 1975 are hereby repealed in their entirety.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective January 1, 1998, upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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And the bill:

H. 86. To amend §40-12-260, Code of Alabama 1975, and establish that effective January 1, 1998, license plates, except those issued for antique vehicles, will follow the owner; to increase the penalty to \$10.00 for failure to register a vehicle within 10 days of acquisition, which revenue shall be used for local jurisdiction motor vehicle administration training; to require proof of ownership be retained in a vehicle subject to registration in this state on or after January 1, 1998, and being operated on the public roads and highways of this state; to amend § 40-12-264 to provide for two-year dealer license plates at a revised fee and revise the maximum number of license plates a dealer be authorized; to simplify vehicle registration penalty laws, and to repeal Sections 40-12-261 and 40-12-266.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 88; Nays 1.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L),



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Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maul, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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Nay:

Representative Dolbare.

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**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 208. To amend Section 32-5A-191 and Section 32-5A-194 of the Code of Alabama 1975, as amended by Act No. 95-784 S. 338, 1995 Regular Session (Acts 1995, p. 1862), relating to driving under the influence of alcohol and drugs; to prohibit the operation of a motor vehicle by a school bus or day care driver while in performance of their duties with greater than .02 percentage or more by weight of alcohol in his or her blood; to provide penalties; and to provide for the approval of permits by the Department of Forensic Sciences.

Also:

S. 276. To amend Section 32-6-49.13, Code of Alabama 1975, to require that a chemical test be administered if a law enforcement officer has probable cause to believe that a commercial vehicle driver is operating a commercial motor vehicle while having alcohol or drugs in his or her system, or if a commercial vehicle driver is involved in an accident resulting in death or physical injury requiring hospitalization or emergency medical treatment; and to provide for cumulative penalties.

**McDOWELL LEE**  
Secretary

**SIGNING OF SENATE BILLS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 430. To amend Sections 11-47-210 to 11-47-219, inclusive, Code of Alabama 1975, which empower municipalities to acquire and manage public parks, playgrounds, and other recreational or athletic facilities and which provide for the formation of authorities to act on behalf of the municipalities in exercising the powers; to provide further for definitions for particular terms relating to certain public corporations and for the types of properties and facilities that are subject to being acquired and managed pursuant to Article 9 of Chapter 47 of Title 11 of the Code of Alabama 1975; to grant to any county the powers granted to municipalities by the article; to provide with more specificity for the procedure to be followed in organizing an authority pursuant to the article; to modify the article respecting the composition of the governing body of the authority and to further define and expand the powers to be enjoyed by the authority; to empower the authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds, and other obligations payable solely out of the revenues, receipts, income, funds, or other sources specified in the proceedings under which the bonds, notes, or other obligations are issued; to authorize the authority to pledge its revenues and mortgage or assign its assets as security for its notes, bonds, or other obligations; to provide for the issuance of refunding bonds, notes, or other obligations by an authority for the purpose of refunding bonds, notes, or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment, or pledge created or made by the authority; to provide that the notes, bonds, and other obligations of the authority shall constitute negotiable instruments; to provide that the notes, bonds, and other obligations of the authority may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the state the property, corporate activities, revenues, and income of the authority, the transactions or actions to which the authority is a party or in which it may be involved, and the notes, bonds, and all other obligations of the

authority and the interest on the notes, bonds, and obligations; to exempt the authority from all laws of the state governing usury or prescribing or limiting interest rates; to provide that any county, municipality, or other political subdivision, agency, or instrumentality of the state or any county or municipality may aid and cooperate with the authority, lend or donate money or perform services for the benefit thereof and, without the necessity of an election, donate, sell, convey, transfer, lease, or grant thereto any property of any kind; to authorize any county or municipality to enter into contracts providing for periodic monetary payments by the county or municipality to the authority, or for its benefit, to serve as a source of payment for notes, bonds, or other obligations of the authority; to specify the extent to which such a contract shall constitute or result in a debt of the county or municipality for purposes of any applicable limitation on indebtedness imposed by the constitution or other laws of the state; to provide that the authority shall be a not-for-profit corporation; to provide that such an authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes, or other obligations by the authority, and to provide that any action or proceeding questioning the validity of the bonds, notes, or other obligations, or instruments securing the same, shall be commenced within 30 days after the first publication of the notice; to provide that revenue obligations issued by any public authority shall not create an obligation or debt of the State of Alabama nor shall any state funds be used to retire the principal and interest of any indebtedness issued pursuant to this act; and to provide that the provisions of this act shall be severable.

And finds same correctly enrolled with Executive Amendment.

TOMMY CARTER  
Chairman

### **SIGNING OF HOUSE BILL**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

### **RESOLUTIONS**

The following resolutions were introduced:

By Representative Dukes:

H.J.R. 353. COMMENDING CHRISTOPHER BELL FOR HIS OUTSTANDING COMMUNITY SERVICES.

The resolution, H.J.R. 353, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hammett:

H.J.R. 354. MOURNING THE DEATH OF GERALD DUNN CRUMPTON OF MONTGOMERY, ALABAMA.

The resolution, H.J.R. 354, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representatives Smith, Knight (A), Hill, Gaines, Carns, Hawkins, Hilliard, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.R. 355. MOURNING THE DEATH OF STAFF SERGEANT ROBERT FARRINGTON, JR.

Also:

By Representative Layson:

H.R. 356. COMMENDING PICKENS ACADEMY PIRATES TEAM STATISTICIAN ROY FECHNER FOR OUTSTANDING ACHIEVEMENT.

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Also:

By Representative Layson:

H.R. 357. COMMENDING PICKENS ACADEMY PIRATES TEAM EMERGENCY TECHNICIAN HERBERT LATHAM FOR OUTSTANDING ACHIEVEMENT.

Also:

By Representative Layson:

H.R. 358. COMMENDING THE PICKENS ACADEMY PIRATES CHEERLEADERS FOR OUTSTANDING ACHIEVEMENT.

Also:

By Representative Jackson:

H.R. 359. MOURNING THE DEATH OF NORRIS DELANO PIPPEN.

Also:

By Representative Jackson:

H.R. 360. MOURNING THE DEATH OF ELEANOR SHERRY WALTON.

Also:

By Representative Jackson:

H.R. 361. MOURNING THE DEATH OF OLLIE T. BECKHAM.

Also:

By Representative Jackson:

H.R. 362. MOURNING THE DEATH OF DERECK JARMAINE MITCHELL.

Also:

By Representative Jackson:

H.R. 363. MOURNING THE DEATH OF JEANIE YVONNE HACKWORTH.

Also:

By Representative Jackson:

H.R. 364. MOURNING THE DEATH OF EVANGELIST CORA MAE JACKSON PRITCHETT.

Also:

By Representative Graham:

H.R. 365. COMMENDING THE REVEREND ALFRED H. COOPER FOR OUTSTANDING SERVICE TO THE ALEXANDER CITY/TALLAPOOSA COUNTY COMMUNITY.

Also:

By Representative Houston:

H.R. 366. COMMENDING CONTINENTAL SOCIETIES, INCORPORATED.

### **CERTIFICATE OF CLERK**

To the House of Representatives:

I hereby certify that the House Bill mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 3:43 P.M. on April 9, 1996.

H. 430 (Executive Amendment)

GREG PAPPAS  
Clerk

### **ADJOURNMENT**

On motion of Representative Carter, the House adjourned until 9:00 o'clock a.m., Thursday, April 11, 1996.

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**NINETEENTH DAY**

**House of Representatives  
Montgomery, Alabama  
Thursday, April 11, 1996**

The House met pursuant to adjournment.

**PRAYER**

The session was opened with prayer by Reverend Curtis McDaniel, Senior Pastor, Trinity Presbyterian Church, Montgomery, Alabama.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Vince Carr, 5th Grade, Pauline O'Rourke Elementary School, Mobile, Alabama.

**ROLL CALL**

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maul, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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A quorum was present.

**REPORT OF STANDING COMMITTEE ON RULES**

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eighteenth legislative day and finds the same to be correct..

TOMMY CARTER  
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the eighteenth legislative day was dispensed with.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 86. To amend §40-12-260, Code of Alabama 1975, and establish that effective January 1, 1998, license plates, except those issued for antique vehicles, will follow the owner; to increase the penalty to \$10.00 for failure to register a vehicle within 10 days of acquisition, which revenue shall be used for local jurisdiction motor vehicle administration training; to require proof of ownership be retained in a vehicle subject to registration in this state on or after January 1, 1998, and being operated on the public roads and highways of this state; to amend § 40-12-264 to provide for two-year dealer license plates at a revised fee and revise the maximum number of license plates a dealer be authorized; to simplify vehicle registration penalty laws, and to repeal Sections 40-12-261 and 40-12-266.

TOMMY CARTER  
Chairman

And the bill, H. 86, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:



H. 103. Requiring the Code Commissioner to have acts of the Legislature and the Code of Alabama 1975 copyrighted; permitting state agencies to purchase the code and abolishing portions of the present distribution system; providing that the contract for the publishing and selling of the Code of Alabama 1975 shall not be subject to laws regarding competitive bidding contracts; providing for the determination of the price the publisher will charge for the sale of the code; providing for maintenance of distribution records, ownership, judicial action for the value of misappropriated codes, and appropriations; permitting the Code Commissioner, upon a determination by the Legislative Council, to contract for the publishing of compilations of portions of the code regarding a specific state agency; repealing provisions regarding lost or destroyed copies and distribution; amending Sections 36-13-5, 41-21-1, 41-21-4, 41-21-5, 41-21-6, 41-21-7, and 41-21-8, Code of Alabama 1975; repealing Sections 41-21-2 and 41-21-3, Code of Alabama 1975; and providing a prospective effective date for certain sections of the act.

TOMMY CARTER  
Chairman

And the bill, H. 103, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 552. To amend Section 15-18-83 of the Code of Alabama 1975, to provide further that members of the victim's immediate family may be present at an execution.

TOMMY CARTER  
Chairman

And the bill, H. 552, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 389. To provide for a cost-of-living increase to certain retirees and beneficiaries of the Employees' and Teachers' Retirement Systems.

TOMMY CARTER  
Chairman

And the bill, H. 389, as engrossed, was ordered sent to the Senate.

### **MOTION TO RECESS ADOPTED**

The motion offered by Representative Hammett that the House recess from 12:00 o'clock Noon until 1:00 o'clock p.m. was adopted.

Yeas 40; Nays 31.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Clouse, Crigler, Dukes, Ford, Gaines, Gipson, Guin, Hammett, Hayden, Hill, Hooper, Jackson, Johnson (E), Knight (A), Maull, McDaniel, Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (D), Page, Papucci, Petelos, Pringle, Reed, Sanderford, Sims, Thomas (D), Thomas (J), Venable, Warren and Wren.

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Nay:

Representatives Baker, Black (M), Burke, Carns, Carothers, Carter, Clark (W), Dean, Dolbare, Gaston, Hall (A), Haney, Hawkins, Hinshaw, Johnson (R), Kennedy, Millican, Moore, Morrow, Newton (C), Parker (P), Payne, Perdue, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Turner, White and Willis.

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### **MOTION TO ADJOURN ADOPTED**

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 1:00 o'clock p.m. on Tuesday, April 16, 1996, and the motion was adopted.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 353. COMMENDING CHRISTOPHER BELL FOR HIS OUTSTANDING COMMUNITY SERVICES.**

WHEREAS, it is in shared gratitude and appreciation that the Alabama Legislature commends Christopher Bell for his volunteer efforts in promoting tourism and special events in Decatur, Alabama; and

WHEREAS, Mr. Bell, a resident of Decatur, Alabama, has volunteered his efforts as a behind-the-scenes person for more than a quarter of a century, and is a true servant of the community, who has worked tirelessly for the good and betterment of his fellow citizens; and

WHEREAS, creating and organizing the Alabama Jubilee in 1977, which has grown into one of the nation's most recognized and premier hot-air balloon festivals, Mr. Bell also designed the spectacular Decatur-Point Mallard Hot-Air Balloon; and

WHEREAS, a working man of vision who has always had the best interest of the Decatur Community in mind, Mr. Bell created the Commodore Stephen Decatur uniform and proclamation, as well as Captain Mike Mallard, the mascot for Point Mallard Park; established the Miss Point Mallard Pageant; coordinated the Decatur display at the Alabama Welcome Center; and donated countless photographs for the promotions of Decatur special events; and

WHEREAS, as a news reporter for the Huntsville Times, Mr. Bell also has been instrumental in the formation, growth, and progress of the City of Decatur, Morgan County, and the North Alabama area; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Christopher Bell on the accomplishments of his career and the magnitude of his community service, and direct that he receive a copy of this resolution with best wishes for continued success in the future.

On motion of Representative Carter, the resolution, H.J.R. 353, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 354. MOURNING THE DEATH OF GERALD DUNN CRUMPTON OF MONTGOMERY, ALABAMA.**

WHEREAS, it is with deepest sorrow and regret that the Alabama Legislature records the death of Gerald (Jerry) Dunn Crumpton of Montgomery, Alabama, on April 5, 1996, at the early age of 51 years; and

WHEREAS, until his recent retirement, Jerry Crumpton served with distinction as Chief of Governmental Affairs in the Department of Industrial Relations (DIR); and

WHEREAS, Mr. Crumpton joined DIR following his graduation from the University of Montevallo in 1967, and, over the years, quickly rose through the ranks to his final position as a division chief for the department; and

WHEREAS, he also represented DIR as liaison for both the State and Congress and played a major role in the passage of key legislation on issues affecting the Department; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Gerald Crumpton, a valued public servant and a close personal friend, and extend deepest sympathy to his devoted wife, Barbara G. Crumpton; children, F. Brock Lacy and Gerald D. Crumpton, II; and to other close family and friends, for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 354, was adopted.

#### CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H.J.R. 354:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report, with amendment:

S.J.R. 32. CREATING THE HIGHER EDUCATION FUNDING ADVISORY COMMISSION.

The question was then on the adoption of the amendment reported by the Standing Committee on Rules, said committee amendment being as follows:

On page 1, line 25, delete the number "12" and insert in lieu thereof: 14

On page 2, line 5, after the language "System," insert the following language: University of Montevallo, Athens State College,

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 40; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Burke, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Gaines, Gaston, Gipson, Guin, Hamilton, Haney, Hawk, Hayden, Hill, Hinshaw, Houston, Johnson (E), Knight (A), McClammy, McDaniel, Mitchell, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Petelos, Reed, Rogers (M), Sanderford, Spratt, Thomas (D) and Townsend.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**RESOLUTION ADOPTED**

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 32, as amended.

Yeas 39; Nays 1.

Yea:

Mr. Speaker, Allen, Black (L), Boyd, Burke, Carter, Clark (W), Collins, Crigler, Curry, Dean, Gaines, Gaston, Gipson, Guin, Hamilton, Haney, Hawk, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Knight (A), McDaniel, Mitchell, Morton, Murphree, Papucci, Petelos, Pringle, Reed, Rogers (M), Sanderford, Spratt, Thomas (D), Townsend and Willis.

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Nay:

Representative Hall (A).

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### **PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

### **BILLS ON SECOND READING**

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 865. To amend Sections 40-23-1, 40-23-2, 40-23-60 and 40-23-61, Code of Alabama 1975, to specifically include canned computer software into the definitions of "sales" and "purchase"; to define canned computer software to make it subject to sales tax and use tax; to increase the state sales and use tax general rates to four and one-quarter percent on January 1, 1997, to four and one-half percent on January 1, 1998, to four and three-quarters percent on January 1, 1999 and to five percent on January 1, 2000; to phase out the state sales and use taxes on food by reducing the rates by one percentage point per year beginning January 1, 1997; to exempt sales of food from the sales and use taxes beginning January 1, 2000; and to allow counties and cities the option of continuing to impose sales and use taxes on food or increasing their general tax rates by up to one percent.

REGULAR SESSION  
19th Day

1899

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 512. (With Substitute): To create the Judicial Education Trust Fund; to increase the docket fee on certain municipal, district, and circuit court cases, and other court processes; to specify the distribution and use of the fees; and to make an appropriation of \$800,000 from the fund for the fiscal year ending September 30, 1997.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 488. To amend Section 16-25A-17, Code of Alabama 1975, as amended by Act No. 95-538, 1995 Regular Session, relating to the Public Education Employees' Health Insurance Program, to allow the Public Education Employees' Health Insurance Board to provide additional funding for retirees.

H. 373. To exempt Polo at the Pointe from the payment of all state, county, and municipal sales and use taxes.

H. 863. To amend Sections 26-19-1, 26-19-2, 26-19-3, and 26-19-4 of the Code of Alabama 1975, relating to the Missing Children Bureau; to change the name of the Missing Children Bureau to the Missing and Exploited Children Bureau; and to provide that the bureau would act as a liaison for persons and cases involving exploited children in the same manner as missing children.

H. 573. To amend Section 36-27-15.2 of the Code of Alabama 1975, to provide further for allowing the purchase of prior service credit in the Employees' Retirement System or the Teachers' Retirement System for prior service rendered in the Job Corps.

H. 87. To make an appropriation of \$120,000 from the Education Trust Fund for the support and maintenance of the Children's Hands-On Museum in Tuscaloosa for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

H. 670. To exempt the Hoover City Schools Foundation from the payment of all state, county, and municipal sales and use taxes.

H. 467. To exempt the Alabama Youth Home in Mountain Brook, Alabama from the payment of all state, county, and municipal sales and use taxes.

S. 238. To amend Section 16-25A-17, Code of Alabama 1975, as amended by Act No. 95-538, 1995 Regular Session, relating to the Public Education

Employees' Health Insurance Program, to allow the Public Education Employees' Health Insurance Board to provide additional funding for retirees.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 137. To amend Section 13A-5-6 of the Code of Alabama 1975, relating to sentences of imprisonment for felonies; to provide that a defendant, who is convicted of a Class A felony in which a deadly weapon or dangerous instrument was used and the victim of the crime suffered serious physical injury, shall be required to serve the full term of his or her sentence.

H. 659. To amend Section 22-1-11 of the Code of Alabama 1975, relating to making false statement or representation of material fact in claim for medicaid benefits; to provide that the felony offense of medicaid fraud is not complete unless and until a false claim is received by the medicaid agency or the contractor.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 635. (With Amendment): Relating to persons sentenced as habitual offenders; to amend Section 13A-5-9 of the Code of Alabama 1975, to further provide for the range of sentences; and to provide for the review of certain persons sentenced to imprisonment for life without parole.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 128. (With Substitute): To provide for the establishment of a putative father registry by the Department of Human Resources and to provide for the content of the registry and its use in court proceedings.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 606. To amend Section 13A-12-213 of the Code of Alabama 1975, to provide that the crime of unlawful possession of marihuana in the first degree include the possession of marihuana for personal use if the defendant has a prior conviction of any controlled substance crime.



**REGULAR SESSION**  
**19th Day**

1901

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 279. (With Substitute) (With Amendments): To require all criminal cases to proceed to trial within 90 days after the defendant is charged by an indictment or information and to provide that cases not brought to trial within 90 days and not continued for specified reasons, would be dismissed; to provide that the 90-day period be increased to 120 days during the first year after the effective date of this act; to specify exceptional circumstances for which a continuance may be granted in certain felony cases; to provide for the empaneling of a grand jury; and to provide an effective date.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 861. To amend Sections 13A-1-2, 13A-5-1, 13A-5-2, 13A-5-3, 13A-5-4, 13A-5-6, 13A-5-11, 13A-5-13, 15-18-1, 15-18-8, 15-22-50, 15-22-54, 15-22-56, 13A-4-1, 13A-4-2, 13A-4-3, 13A-7-6, 13A-8-102, 13A-10-31, 13A-10-32, 13A-10-33, 13A-10-39, 13A-10-40, 13A-10-43, 13A-10-44, 13A-11-72, 13A-11-81, 13A-11-84, 15-23-18, 20-2-190, 22-12C-7, and 36-18-35, Code of Alabama 1975, to provide for determinate sentencing and punishment in certain noncapital felony criminal cases; to provide for certain felony offenses and the classification of felony offenses; to abolish parole and incentive good time; and to repeal and substitute Section 13A-5-9 of the Code of Alabama 1975, to further provide for the sentencing of felony offenders who have prior felony offenses; to repeal Section 13A-12-250 of the Code of Alabama 1975, relating to imposition of an additional penalty for any person convicted of the unlawful sale or use of or a controlled substance on or near a school campus; to repeal Section 13A-12-270 of the Code of Alabama 1975, relating to imposition of an additional penalty for any person convicted of the unlawful sale or use of a controlled substance within a three-mile radius of a public housing project; to repeal Section 14-9-3 of the Code of Alabama 1975, relating to the deduction of 30 days from the sentence of an inmate who donates blood; to repeal Sections 14-9-40, 14-9-41, 14-9-42, 14-9-43, 14-9-44, and 15-18-9 of the Code of Alabama 1975, relating to incentive good time.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 604. (With Substitute): To provide for the crimes of cruelty to animals and of intentional extreme cruelty to animals; to provide punishment for the offenses as a misdemeanor and as a felony, respectively; to make certain exceptions in the interest of medical science; to provide for notice, due process, and civil procedures for cases of cruelty to animals; to provide for search warrants and for the powers and duties of law enforcement officers, district court judges, trained agents and agencies designated by the county, the county rabies officer, and other persons in implementing this act; to provide standards for humane disposition of the animal; to provide for the distribution of any proceeds generated under this act; to provide that local governments may provide for more stringent penalties, and procedures for the operation of animal control or humane shelters; and to provide that this act shall not apply to certain persons engaged in hunting, trapping, fishing, rodeo activities, transportation of livestock, or protecting their livestock.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 183. (With Amendment): To amend Section 13A-11-72, Code of Alabama 1975, relating to the unlawful possession or ownership of a firearm, to increase certain felony possession on school premises from a Class C to a Class B felony.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 593. To amend Section 40-12-126, Code of Alabama 1975, relating to licensing taxes of certain medical practitioners, to include psychologists among professions subject to a business privilege license.

H. 804. To amend Section 28-4A-3, Code of Alabama 1975, to allow brewpubs to obtain a club liquor license.

H. 643. To amend Section 41-9-591, Code of Alabama 1975, relating to the Alabama Criminal Justice Information Center; to authorize certain user fees by the center for computer access and computer equipment; to create a special account for those fees in the State Treasury; and to provide for the use of the fees.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 737. (With Substitute): To repeal Section 40-2-24 of the Code of Alabama 1975, which requires Department of Revenue Division Chiefs to receive salaries of Attorney III supervisor.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 870. To amend Sections 34-37-1, 34-37-2, 34-37-6, 34-37-8 and 34-37-17, Code of Alabama 1975, relating to the Plumbers and Gas Fitters Examining Board, to provide for certification of medical gas piping fitters; and to provide for penalties.

Representative Gaines, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 708. (With Amendment): To provide that as a condition of eligibility for unemployment compensation, certain temporary employees shall contact the temporary help employer for new work upon completion of a temporary assignment.

Representative Gaines, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 842. To amend Section 40-2A-7, Code of Alabama 1975, to prohibit class action suits regarding taxes and to make the remedies contained in Chapter 2A of Title 40 exclusive.

H. 843. To amend Section 41-23-21 of the Code of Alabama 1975; to provide for definitions used in the "Alabama Enterprise Zone Act"; to provide for distressed companies to collect job development fees from certain employees; to provide for disposition of the proceeds from the fees; and to provide for certain agreements between municipalities in which facilities of distressed companies are located and the companies relating to disposition of the proceeds from the fees.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 748. To provide that only an authorized representative of the manufacturer or distributor may offer drugs, cosmetics, medical devices, and baby food and infant formula for sale at a flea market; to provide that the representative shall carry proof of authorization; and to provide penalties for violations.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 856. (With Amendment): To amend Section 17-1-7, Code of Alabama 1975; to provide that a public employee may take an unpaid leave of absence from public employment while he or she is a candidate for public office.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 443. To propose an amendment to the Constitution of Alabama of 1901, providing that appropriations to state or non-state entities shall be considered only in odd-numbered years; providing for a two-year budget; and providing that appropriation of funds could be considered in even-numbered years only in certain situations.

The above bill was read a second time at length as required by the Constitution.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 306. To amend Article I of Chapter 4 of Title 37 of the Code of Alabama 1975, by adding a new Section 37-4-30 which would empower the Public Service Commission or Circuit Court, as appropriate, to review private contracts for electric services to existing electric customers for the purpose of determining whether the private contract is consistent with the public interest and to require the existing customer to reimburse any utility (which, for purposes of this paragraph, include utilities, utility board, electric boards and improvement authorities) currently providing service to an existing customer seeking to obtain electric service pursuant to a private contract for any stranded costs associated with the transfer of the existing electric customer's service; to provide that these stranded costs shall mean all verifiable costs or obligations incurred by a utility in order to provide service to electric customers in the area served by the utility that cannot actually be recovered through mitigation upon the transfer of the existing electric customer to another supplier, and include, but are not limited to, costs of investment in generating, transmission and distribution facilities; obligations for purchased power, fuel and transmission charges; costs of assets required to be capitalized under utility accounting principles; and other fixed costs incurred by the utility to provide service; to provide for the use of commissioners in certain instances; to provide for appeals from the Circuit Court to the Supreme Court directly; to provide

for severability, and to provide for the cessation and termination of the provisions of the act upon the occurrence of all of the following events: (1) the enactment of legislation that provides in a comprehensive manner for retail electric service competition in this state and surrounding states; (2) provision in such legislation or in regulations that provide in this state for the recovery of stranded costs by utilities upon the transfer of existing electric customers; (3) elimination of the obligation of utilities to plan for and provide service; and (4) imposition of the same taxes on sales to existing customers by a non-utility at the rates applicable to sales by the utility presently serving the existing customer.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 644. To propose an amendment to the Constitution of Alabama of 1901, to prohibit the annexation of property to a municipality by local law unless the property is contiguous to the annexing municipality; and to validate certain prior annexations.

The above bill was read a second time at length as required by the Constitution.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 840. (With Amendment): To authorize the governing body of any Class 5 municipality to establish jointly a parking and transit authority as a public corporation for the purpose of financing, acquiring, constructing, leasing, enlarging, equipping, improving, maintaining, developing, and operating facilities for parking motor vehicles and related facilities, and financing, acquiring, constructing, leasing, enlarging, equipping, improving, maintaining, developing, and operating a public transit or transportation system and related facilities, including offices for the authority; to authorize the leasing or letting of facilities; to authorize the authority to issue bonds of indebtedness; to provide that the bonds shall be negotiable instruments; to authorize the authority to enter into contracts and to acquire and dispose of properties; to provide that the authority shall have powers, privileges, and rights necessary to carry out the purposes hereof; and to provide for the dissolution of the authority and the disposition of its property.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 753. To amend Section 11-41-8 of the Code of Alabama 1975, to validate prior attempted incorporations of municipalities without regard to any errors in the procedures relating to the incorporations.

H. 735. To amend Sections 11-24-1, 11-24-2, and 11-24-3, Code of Alabama 1975, which relate to the regulation of subdivisions by counties; to require county commissions to approve or disapprove plats for proposed subdivisions; to provide that the county commissions may establish boards of developers; and to provide for civil enforcement of the regulations, including civil penalties for violations.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 681. (With Substitute): Relating to Washington County; to further provide for the operation of the county commission; to provide further for the compensation of the commission; to provide for a centralized road system for the operation of the county roads and bridges; to provide for the employment of a county engineer; to provide for the continual supervision of the roads and bridges by the commission; to repeal conflicting laws; and to provide for a referendum.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 833. Relating to the selection of the chair of the Tallapoosa County Commission and designating the office of the chair a full-time position; providing further for the compensation of the chair of the county commission; providing for the termination of expense allowances payable to the chair; and to repeal Act No. 88-157, H. 142 of the 1988 Regular Session (Acts 1988, p. 248).

H. 874. Relating to Marion County; to further amend Section 2 of Act No. 80-128, H. 603, 1980 Regular Session (Acts 1980, p. 191), to provide for the sale or disposal of property under the control of the county commission to a municipal or other governmental entity in the county without the necessity of public auction or sealed bids.

H. 879. Relating to Henry County, providing further for additional costs and charges in all Juvenile Court cases, and providing for the establishment of a Juvenile Court Services Fund in the county and the distribution of such funds.

S. 350. Relating to Crenshaw County; to exempt Crenshaw Baptist Hospital from local sales and use taxes.

**INTRODUCTION OF BILLS**

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Fuller:

H. 891. To amend Section 12-19-252, Code of Alabama 1975, to increase the amount provided to the State Comptroller for the expenses of administering indigent defense.

**COMMITTEE ON WAYS AND MEANS**

By Representative Carothers:

H. 892. To amend Section 36-27-70 of the Code of Alabama 1975, to provide for certain public employees of state or local political subdivisions to purchase certain prior service credit in the Employees' Retirement System under certain conditions.

**COMMITTEE ON WAYS AND MEANS**

By Representative Johnson (R):

H. 893. To increase the number of members of, and to change the appointment process to, the Alabama State Board of Nursing.

**COMMITTEE ON STATE ADMINISTRATION**

By Representatives Johnson (R), Venable, Newton (C), Hooper, Wren, and McKee:

H. 894. To allow a state employee to transfer certain excess annual leave to a state employee with a catastrophic illness under certain conditions and providing that this act shall have retroactive effect to December 1, 1995.

**COMMITTEE ON STATE ADMINISTRATION**

By Representatives Vance and Bandy:

H. 895. To make an appropriation from the State General Fund in the State Treasury to the municipal governing body of the City of Phenix City, in the amount of \$100,000 for the fiscal year ending September 31, 1996.

**COMMITTEE ON WAYS AND MEANS**

By Representatives McMillan, Clark (J), Hammett, Penry, and Carter:

H. 896. To amend Sections 40-23-35 and 40-23-36, Code of Alabama 1975, to limit the amount of sales tax discount that may be allowed to \$900 per month per license holder; and to distribute the additional sales tax revenue generated beginning October 1, 1996, until September 30, 2001, to the Department of Conservation and Natural Resources for capital outlay for the state parks. Beginning October 1, 2001, \$3,000,000 of the additional revenue generated annually will be distributed to the Department of Conservation and Natural Resources for capital outlay, repairs and maintenance of state parks and the remainder shall be credited to the State General Fund.

COMMITTEE ON AGRICULTURE, FORESTRY  
AND NATURAL RESOURCES

By Representative Clouse (With Notice and Proof):

H. 897. Relating to Dale County, to require the installation and maintenance of an improved system of recording, archiving, and retrieving documents affecting the title to property and other documents recorded in the office of the judge of probate; to provide for the collection and disposition of a special recording fee; and to provide that said system shall constitute official and permanent records in Dale County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 897, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Morrow:

H. 898. Establishing the Private Enterprise Employment Act of 1996; providing bidding and contract requirements for county governments, municipalities, and political subdivisions for certain public works project.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Allen, Dean, Hooper, Hinshaw, Papucci, Haney, Jorgensen, Minnifield, Perdue, Black (M), Burke, Parker (T), Morton, Townsend, Payne, Carns, Hawkins, Houston, McAdory, Sanderson, Rogers (J), Melton, Robinson, Hilliard, Page, Gipson, Guin, Murphree, Morrison, Lindsey, Thomas (D), Gaines, Rogers (M), Curry, McDaniel, Sanderford, Dukes, Hall (L), Flowers, Turnham, Kennedy, Pringle, McMillan, Penry, Gaston, Warren, Clouse, Carothers, Johnson (R), Millican, Baker, Jackson, Wren, Smith, Hammett, Collins, Layson, Venable, Hamilton, Ford, Drake, Morrow, and Hall (A):



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H. 899. Relating to athlete agents; to amend Sections 8-26-2, 8-26-3, 8-26-7, 8-26-22, and 8-26-27, Code of Alabama 1975; to provide for the definition of student-athlete; to provide for appointments to the commission; to provide reporting requirements of the Secretary of State to the commission; to further provide the requirements of granting or renewing registrations; to require notice to a college or university of a signing of a contract; to create contract requirements; to allow civil actions by colleges or universities for certain actions of the athlete agent and student-athlete; to further provide for business and financial records of athlete agents, penalties for violations, regulating activities of athlete agents with students participating in sports in grades 10 and above; and repealing Sections 8-26-32 and 8-26-33, Code of Alabama 1975.

**COMMITTEE ON STATE ADMINISTRATION**

By Representative Burke:

H. 900. To amend Section 40-23-1, Code of Alabama 1975, to provide further for transactions defined as sales for state sales tax purposes.

**COMMITTEE ON WAYS AND MEANS**

By Representative Hawk:

H. 901. To amend Section 36-1-4.2 of the Code of Alabama 1975, to provide further for deductions from salaries of public employees.

**COMMITTEE ON STATE ADMINISTRATION**

By Representatives Kennedy, Buskey, Clark (W), Jackson, Hayden, Black (L), and McClammy:

H. 902. To amend Section 17-7-5.1, Code of Alabama 1975, relating to the times that polling places are open, to further provide further for those times.

**COMMITTEE ON LOCAL GOVERNMENT**

By Representative Hill:

H. 903. To amend Section 11-81-21, Code of Alabama 1975, which lists certain types of permissible investments for county and municipal funds, to include repurchase agreements of specified government securities; to provide for severability of the provisions of this act; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

**COMMITTEE ON BANKING**

By Representative Sims:

H. 904. To provide for a civil cause of action against anyone who retaliates against a nurse who reports to a governmental entity that conditions in a health care facility are injurious to a patient's health.

COMMITTEE ON JUDICIARY

By Representative Hill:

H. 905. To amend Section 41-14-30, Code of Alabama 1975, which currently authorizes a portion of state funds to be invested in certain securities or mutual funds, by removing the term "money market" in order to specify the type of mutual funds eligible for investment.

COMMITTEE ON BANKING

By Representative Newton (C):

H. 906. Relating to insurance, to provide further for the regulation of Medicare supplement insurance and long-term care insurance by amending Sections 27-19-50, 27-19-52, 27-19-53, 27-19-54, 27-19-55, 27-19-56, and 27-19-57 of, and to add Sections 27-19-52.1, 27-19-57.1, 27-19-57.2, and 27-19-59 to the Code of Alabama 1975, and adding an Article 3 (commencing with Section 27-19-100) to Chapter 19 of Title 27 of the Code of Alabama 1975, establishing the "Long-Term Care Insurance Policy Minimum Standards Act."

COMMITTEE ON HEALTH

By Representative Ford:

H. 907. To amend Section 16-11-2 of the Code of Alabama 1975, to provide that only one classroom teacher may serve as a member of the Board of Education of the City of Attalla.

COMMITTEE ON TOURISM, ENTERTAINMENT  
AND SPORTS

By Representative McMillan:

H. 908. To amend Section 11-16-1 of the Code of Alabama 1975, to further provide for the petition of qualified electors for an election to change the county seat.

COMMITTEE ON LOCAL GOVERNMENT

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By Representatives Parker (T), Sanderson, Laird, and McMillan:

H. 909. To provide distinctive motor vehicle license tags or plates for members of the ALABAMA ASSOCIATION OF REALTORS; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

**COMMITTEE ON WAYS AND MEANS**

By Representative Melton:

H. 910. To extend the eligibility for services of the Alabama Department of Mental Health and Mental Retardation to citizens of the State of Alabama who have a developmental disability; to provide for state and local administration of those services, and to rename the department as the Department of Mental Health and Developmental Disabilities.

**COMMITTEE ON STATE ADMINISTRATION**

By Representatives Sims, Willis, and Hogan:

H. 911. Providing for school nurses in the public schools, prescribing their duties and salaries, and appropriating sufficient funds from the Education Trust Fund.

**COMMITTEE ON EDUCATION**

By Representative Petelos (With Notice and Proof):

H. 912. To provide for a county supplement to be paid the elected assistant district attorney in the Tenth Judicial Circuit, Bessemer Division, and to provide for the payment of same, and to provide the date when said act shall go into effect.

**COMMITTEE ON LOCAL LEGISLATION NO. 2**

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 912, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Petelos (With Notice and Proof):

H. 913. Relating to the Bessemer Division of the Tenth Judicial Circuit in Jefferson County, amending Act No. 90-202, H. 449, 1990 Regular Session so as to allow the Elected Assistant District Attorney to designate the level and step, at the time of appointment, of any appointed Deputy District Attorneys authorized by this act.

**COMMITTEE ON LOCAL LEGISLATION NO. 2**

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 913, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Pringle, Flowers, and Clark (J):

H. 914. To require corporations, associations, health maintenance organizations, nonprofit health service organizations, employee-sponsored health benefit companies, or any similar organizations or entities providing various health coverages and plans to furnish members with a written notice of the terms and conditions of the plan and a right to written information on the basis on which coverage or service is denied; to provide that a practitioner shall be exempt from liability under certain conditions; and to provide that the insurance carrier that refuses or denies authority for a treatment, procedure, or test may be liable for damages.

COMMITTEE ON HEALTH

By Representatives Hooper and Clark (J):

H. 915. To amend Section 12-16-60 of the Code of Alabama 1975, to further provide that a person be registered to vote in the county of his or her residence to qualify to serve as a juror.

COMMITTEE ON STATE ADMINISTRATION

## RESOLUTIONS

The following resolutions were introduced:

By Representative Warren:

H.J.R. 367. EXTENDING THE COST AND EXPENSE ALLOWANCE FOR THE ALABAMA LEGISLATIVE FORESTRY STUDY COMMITTEE

WHEREAS, the Alabama Legislative Forestry Study Committee, established by the Alabama Legislature, has had many meetings and hearings and its members have conducted exhaustive studies in all facets of Alabama's forestry programs; and

WHEREAS, it is in the best interest of the Alabama Legislature to have this Committee do additional studies and research into the area of its responsibilities, as set forth by law; now therefore,

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BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is allocated an additional sum sufficient to cover the costs and expense allowances authorized for the Committee, not to exceed five thousand dollars (\$5,000), which shall be paid from any funds appropriated for the use of the Legislature.

On motion of Representative Warren, the rules were suspended and the resolution, H.J.R. 367, was adopted.

Also:

By Representative White:

H.J.R. 368. COMMENDING EARLE F. WILSON, III, AS RECIPIENT OF THE DISTINGUISHED FOUNDRYMAN OF THE YEAR AWARD.

The resolution, H.J.R. 368, was read and referred to the Standing Committee on Rules.

Also:

By Representative Allen:

H.J.R. 369. COMMENDING MYRTLE C. KIZZIAH FOR PROFESSIONAL ACHIEVEMENTS.

The resolution, H.J.R. 369, was read and referred to the Standing Committee on Rules.

**BILLS ON THIRD READING**

**BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER**

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 717, were temporarily carried over at the request of Representative Morrow.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Dolbare, the Budget Isolation Resolution relating to the bill, H. 851, was adopted.

Yeas 39; Nays 1.

Yea:

Mr. Speaker, Black (L), Carothers, Clouse, Collins, Curry, Dean, Dolbare, Drake, Gaston, Gipson, Graham, Hamilton, Hayden, Hill, Hinshaw, Hooper, Jackson, Johnson (E), Johnson (R), Knight (A), Layson, McClammy, McDaniel, Millican, Mitchell, Moore, Murphree, Newton (C), Newton (D), Parker (T), Petelos, Reed, Rogers (M), Seibenhener, Smith, Spratt, Starkey and Vance.

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Nay:

Representative Guin.

- 1

### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 851. Relating to Clarke County; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant power and authority to the Clarke County Health Department to enforce littering laws in Clarke County; and to prescribe fines for violations.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Gaines, Gipson, Graham, Guin, Hawkins, Hayden, Hill, Hinshaw, Hooper, Jackson, Johnson (E), Johnson (R), Knight (A), Layson, Lindsey, McClammy, McMillan, Millican, Mitchell, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Penry, Petelos, Reed, Rogers (M), Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance and Wren.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Morrow, the Budget Isolation Resolution relating to the bill, H. 717, was adopted.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Gaines, Gaston, Gipson, Guin, Hammett, Hawkins, Hayden, Hill, Hinshaw, Houston, Jackson, Johnson (R), Knight (A), Layson, Lindsey, McClammy, Millican, Moore, Morton, Murphree, Newton (C), Parker (T), Payne, Penry, Petelos, Reed, Rogers (M), Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable and Wren.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 717. Relating to Franklin County; to provide for the nomination of the Franklin County Superintendent of Education.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Hawkins, Hayden, Hill, Hinshaw, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Lindsey, McClammy, Millican, Mitchell, Moore, Morrow, Morton, Murphree, Papucci, Parker (T), Payne, Petelos, Rogers (J), Rogers (M), Sanderson, Spratt, Townsend, Venable and Wren.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Newton (D), the Budget Isolation Resolution relating to the bill, H. 832, was adopted.

Yeas 46; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Carothers, Collins, Dolbare, Drake, Gaines, Gipson, Graham, Guin, Hammett, Hayden, Hill, Hilliard, Hinshaw, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Lindsey, McClammy, Millican, Mitchell, Moore, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Petelos, Reed, Rogers (J), Rogers (M), Sanderson, Smith, Spratt, Starkey, Turner, Vance, Venable and Wren.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 832. To amend subsection (f) of Amendment No. 386 to the Constitution of Alabama of 1901, providing for the operation of bingo in Jefferson County under certain conditions by nonprofit organizations for charitable and educational purposes, to provide that the amounts of prizes shall not exceed the amounts set by local law.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.



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Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carothers, Clark (W), Clouse, Curry, Dean, Dolbare, Gaines, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Mitchell, Moore, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (J), Turner, Vance, Venable, Warren and Wren.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Townsend, the Budget Isolation Resolution relating to the bill, H. 495, was adopted.

Yeas 48; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Burke, Carns, Clark (W), Clouse, Curry, Dean, Gaines, Gaston, Gipson, Guin, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Knight (A), Lindsey, McAdory, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderson, Smith, Spratt, Townsend, Turner, Vance, Venable and Wren.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 495. (With Amendment): To amend Section 11-41-1 of the Code of Alabama 1975, relating to the authority and petition for an unincorporated community to incorporate, to provide further for the special procedures in counties having a population of 600,000 or more.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 2 to the bill, H. 495, said committee amendment being as follows:

On page 2, line 25, delete "Class I" and restore the following word: existing

On page 3, line 9, after the word "census." insert the following: "Provided further, an unincorporated territory in any county of 600,000 population or more shall not be prohibited from incorporating under this section if it contains a population of 3,000 or more inhabitants although a portion of the territory proposed to be incorporated lies within three miles of a Class 4 or 5 municipality, or if it contains a population of 1,500 or more, although a portion of the territory proposed to be incorporated lies within three miles of a Class 6, 7, or 8 municipality."

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Clouse, Collins, Curry, Dean, Gaines, Gaston, Gipson, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Lindsey, McAdory, McClammy, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderson, Smith, Spratt, Townsend, Turner, Vance, Venable and Wren.

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And the bill:

H. 495. To amend Section 11-41-1 of the Code of Alabama 1975, relating to the authority and petition for an unincorporated community to incorporate, to provide further for the special procedures in counties having a population of 600,000 or more.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 54; Nays 0.

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Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Carns, Clark (W), Clouse, Collins, Curry, Dean, Gaines, Gaston, Gipson, Guin, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Knight (A), Lindsey, McAdory, McClammy, Minnifield, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderson, Seibenhener, Smith, Spratt, Townsend, Turner, Willis and Wren.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Newton (C), the Budget Isolation Resolution relating to the bill, H. 835, was adopted.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Black (M), Box, Boyd, Burke, Buskey, Carns, Clark (W), Clouse, Collins, Curry, Dean, Gaines, Gaston, Gipson, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Layson, Lindsey, McAdory, McClammy, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Newton (D), Parker (T), Payne, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderson, Seibenhener, Smith, Spratt, Townsend, Turner, Vance, Venable, Willis and Wren.

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And the bill:

H. 835. Relating to Crenshaw County; provides that this act shall be designated as "Crenshaw 1st," an act of Crenshaw countians helping Crenshaw countians; authorizing the Crenshaw County Commission to levy certain additional taxes; to provide for the collection, distribution and use of the proceeds of such taxes; to provide for the enforcement of this act by the State Department of Revenue; to prescribe penalties and fix punishment for violation of this act; and to provide that the authorization of the county governing body to levy the additional taxes authorized in this act must first be approved by a majority of the electors of Crenshaw County in a referendum.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Black (M), Box, Boyd, Burke, Buskey, Carns, Clark (W), Clouse, Curry, Dean, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Lindsey, McAdory, McClammy, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderson, Seibenhener, Smith, Spratt, Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

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### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Clouse, the Budget Isolation Resolution relating to the bill, H. 852, was adopted.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Baker, Black (M), Box, Boyd, Burke, Buskey, Carns, Clouse, Curry, Flowers, Gaines, Galliher, Gipson, Graham, Guin, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Lindsey, McAdory, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Perdue, Reed, Rogers (J), Rogers (M), Seibenhener, Smith, Spratt, Townsend, Turner, Turnham, Vance, Venable and Willis.

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And the bill:

H. 852. Relating to Dale County; to amend Act No. 86-379, H. 578, 1986 Regular Session (Acts 1986, p. 565), authorizing and providing for the establishment, maintenance, operation, and financing of a public law library in the county; to increase the fee and further provide for the use of the funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Clark (W), Clouse, Collins, Curry, Dean, Flowers, Gaston, Gipson, Graham, Hamilton, Haney, Hawk, Hawkins, Hilliard, Houston, Johnson (E), Kennedy, Lindsey, McAdory, Millican, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (D), Papucci, Parker (P), Parker (T), Payne, Reed, Rogers (J), Sanderson, Seibenhener, Spratt, Townsend, Turner, Turnham, Vance and Venable.

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### **PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Smith, the Budget Isolation Resolution relating to the bill, H. 854, was adopted.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Burke, Buskey, Carns, Clark (W), Clouse, Collins, Dean, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawk, Hawkins, Hill, Hilliard, Hogan, Houston, Johnson (E), Jorgensen, Kennedy, Knight (A), Lindsey, McAdory, McClammy, McDaniel, Minnifield, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Reed, Rogers (J), Rogers (M), Sanderson, Seibenhener, Smith, Spratt, Townsend, Turner, Venable and Willis.

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And the bill:

H. 854. Relating to Chilton County; providing for additional costs and charges in all circuit and district court cases, excluding the small claims division and domestic relations division; providing for a monthly supervision fee in juvenile cases; providing for the establishment of a Juvenile Court Services Fund and a Judicial Administration Fund in the county; and providing for the distribution of the funds.

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was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Clark (W), Clouse, Collins, Curry, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Lindsey, McAdory, McClammy, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Parker (P), Parker (T), Payne, Petelos, Reed, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Townsend, Turner, Vance, Venable, Willis and Wren.

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**MOTION TO SUSPEND RULES LOST**

The motion offered by Representative Rogers (J) to suspend the rules in order to take up out of order the Budget Isolation Resolution and the bill, H. 259, was lost, lacking a four-fifths vote.

Yeas 10; Nays 4.

Yea:

Representatives Hawkins, Hilliard, Houston, McAdory, Minnifield, Newton (D), Perdue, Petelos, Rogers (J) and Spratt.

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Nay:

Representatives Carns, Curry, Morton and Payne.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

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**H. 84 TAKEN UP**

And the bill:

H. 84. (With Substitute) (With Amendment): To amend Sections 17-10-7, 17-10-9, and 17-10-10, Code of Alabama 1975, to provide for modifications to the language which is required to be printed on an absentee ballot envelope; to further prohibit county election officials from counting absentee ballots which are unwitnessed and unnotarized; and to provide for a delayed effective date.

and the pending substitute offered by Representative Venable to the substitute reported by the Standing Committee on Constitution and Elections to the bill, H. 84, and to the pending committee amendment which were carried over on the eleventh legislative day were taken up.

**SUBSTITUTE TO SUBSTITUTE TABLED**

On motion of Representative Venable, the substitute offered by him to the substitute reported by the Standing Committee on Constitution and Elections to the bill, H. 84, and to the pending committee amendment was tabled.

Yeas 71; Nays 18.

Yea:

Mr. Speaker, Allen, Box, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Knight (A), Laird, Layson, McAdory, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representatives Baker, Bandy, Buskey, Clark (W), Hall (L), Hayden, Hilliard, Jackson, Kennedy, Knight (J), McClammy, Melton, Minnifield, Mitchell, Newton (D), Petelos, Reed and White.

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**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 495. To amend Section 11-41-1 of the Code of Alabama 1975, relating to the authority and petition for an unincorporated community to incorporate, to provide further for the special procedures in counties having a population of 600,000 or more.

TOMMY CARTER  
Chairman

And the bill, H. 495, as engrossed, was ordered sent to the Senate.

**H. 84 RESUMED****SUBSTITUTE TO SUBSTITUTE OFFERED**

Representative Rogers (M) offered the following substitute to the substitute reported by the Standing Committee on Constitution and Elections to the bill, H. 84, and to the pending committee amendment:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Sections 17-10-7, 17-10-9, and 17-10-10, Code of Alabama 1975, to provide for modifications to the language which is required to be printed on an absentee ballot envelope; to further prohibit county election officials from counting an absentee ballot which is not witnessed or notarized as provided by law; and to provide for a delayed effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 17-10-7, 17-10-9, and 17-10-10, Code of Alabama 1975, are amended to read as follows:

"§17-10-7.

"Each absentee ballot shall be accompanied by an envelope upon which shall be printed an affidavit. This affidavit which shall be used in general, special, or municipal elections shall ~~be substantially~~ read as follows:



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"State of Alabama

"County of \_\_\_\_\_

"I, the undersigned, do swear (or affirm) that:

"(1) I am a resident of \_\_\_\_\_ county in the State of Alabama.

"(2) My place of residence in Alabama is:

" \_\_\_\_\_  
"(street)

" \_\_\_\_\_, Alabama  
"(city or town) (zip code)

"(3) My voting precinct (or place where I vote) is: "

"(4) My date of birth "is: \_\_\_\_\_  
"month day year

"(5) I am entitled to vote an absentee ballot because:

"Check only one:

"\_\_\_\_\_ I have moved from Alabama less than thirty days prior to the election.

"\_\_\_\_\_ I will be out of the county or the state on election day.

"\_\_\_\_\_ I am physically incapacitated and will not be able to vote in person on election day.

"\_\_\_\_\_ I work a required workplace shift that conflicts with polling hours.

"\_\_\_\_\_ I meet the qualifications to vote by emergency absentee ballot due to a medical emergency.

"\_\_\_\_\_ I meet the qualifications to vote by emergency absentee ballot due to a business emergency.

"I further swear (or affirm) that I have not voted nor will I vote in person in the election to which this ballot pertains.

"I have marked the enclosed absentee ballot voluntarily and ~~that~~ I have read or had read to me and understand the instructions accompanying this ballot and ~~that~~ I have carefully complied with such instructions.

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"Moreover, I further swear (or affirm) that all of the information given above is true and correct to the best of my knowledge and that I understand that by knowingly giving false information so as to vote illegally by absentee ballot that I shall be guilty of a misdemeanor which is punishable by a fine not to exceed ~~\$1,000.00 and~~ one thousand dollars (\$1,000) or confinement in the county jail for not more than six months, or both.

"\_\_\_\_\_  
"(Signature or mark of voter.)

"\_\_\_\_\_  
"(Printed name of voter.)

~~"Note: Your signature must be witnessed by either: A notary public or other officer authorized to acknowledge oaths or two witnesses 18 years of age or older.~~

"IF YOUR AFFIDAVIT IS NOT SIGNED (OR MARKED) AND IS NOT VERIFIED BY TWO WITNESSES 18 YEARS OF AGE OR OLDER OR A NOTARY PUBLIC, PRIOR TO BEING DELIVERED OR MAILED TO THE CIRCUIT CLERK, YOUR BALLOT WILL NOT BE COUNTED.

"Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
I certify that the affiant is known (or made known) to me to be the identical party he or she claims to be.

"\_\_\_\_\_  
"(Title of official)

\_\_\_\_\_  
"(Address of official)

"OR

"1st Witness

\_\_\_\_\_  
"Signature

"\_\_\_\_\_  
"Print name

"\_\_\_\_\_  
"Address

"\_\_\_\_\_  
"City "Zip Code

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**"§17-10-9.**

**"The second envelope shall have the voter's affidavit printed on the back and shall be large enough to seal the plain ballot envelope inside. The second envelope shall also be a return mail envelope.**

"Such return mail envelope shall be addressed on the front to the absentee election manager and shall be endorsed on the left-hand upper corner thereof substantially as follows:

"Absent Voter's Ballot. State, County, Municipal, General, Primary or  
 Special Election (as the case may be) to be held on the . . . . . day  
 of . . . . ., 19\_\_\_. From . . . . . (name of voter), precinct or  
 districts . . . . . County of . . . . ., Alabama."

"After marking the ballot and subscribing the oath herein required, the voter shall seal his or her ballot in the plain envelope, place that plain envelope inside the affidavit envelope, complete the affidavit, have a notary or two witnesses verify his or her signature to the affidavit, and shall forward it by United States mail to the addressee or shall hand it to him or her in person."

"§17-10-10.

**"Upon receipt of the absentee ballot, the absentee election manager shall record its receipt thereof on the absentee list as provided in Section 17-10-5 and shall safely keep the ballot without breaking the seal of the affidavit envelope. On the day of the election, beginning at 12:00 noon, the absentee election manager shall deliver the sealed affidavit envelopes containing absentee ballots to the election officials provided for in Section 17-10-11, and such. The election officials**

shall then call the name of each voter casting an absentee ballot with poll watchers present as may be provided under the laws of Alabama and shall ~~open~~ examine each affidavit envelope, review the affidavit to certify that such to determine if the signature of the voter has been appropriately verified. If the verification of the signature and the information in the affidavit establish that the voter is entitled to vote by absentee ballot, then the election officials shall certify the findings, open each affidavit envelope, and deposit the plain envelope containing the absentee ballot into a sealed ballot box.

"No poll worker or other election official shall open an absentee ballot with an affidavit that is unsigned or unmarked and is not verified by the signatures of two witnesses or a notary public, and no ballot envelope or ballot therein may be removed or counted. No court or other election tribunal shall allow the counting of an absentee ballot which is not verified by the signatures of two witnesses or a notary public, prior to being delivered or mailed to the circuit clerk.

"The absentee ballots shall upon the closing of the polls be counted and otherwise handled in all respects as if the said absentee voter were present and voting in person. As regards municipalities with populations of less than 10,000, in the case of municipal elections held at a time different from a primary or general election, ~~such~~ the return mail envelopes containing the ballots shall be delivered to the election official of the precinct of the respective voters."

Section 2. This act shall become effective on upon its passage and approval by the Governor, or upon its otherwise becoming a law, and shall apply only to elections held thereafter.

### MOTION IN WRITING OFFERED

Representative Seibenhener offered the following Motion in Writing relating to the bill, H. 84:

I move the previous question.

### MOTION IN WRITING ADOPTED

And the Motion in Writing was adopted.

Yeas 62; Nays 26.

Yea:

Representatives Allen, Black (M), Burke, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hooper, Knight (A), Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Millican,

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Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turner, Vance, Venable, Willis and Wren.

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Nay:

Representatives Bandy, Black (L), Boyd, Buskey, Drake, Graham, Hall (L), Hayden, Hilliard, Houston, Jackson, Kennedy, Knight (J), Maull, McAdory, McClammy, Minnifield, Mitchell, Newton (D), Page, Parker (P), Rogers (J), Spratt, Thomas (J), Warren and White.

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**SUBSTITUTE TO SUBSTITUTE ADOPTED**

The question was then on the adoption of the substitute offered by Representative Rogers (M) to the substitute reported by the Standing Committee on Constitution and Elections to the bill H. 84, and to the pending committee amendment, and the substitute offered by Representative Rogers (M) was adopted.

Yeas 67; Nays 24.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Knight (A), Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

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Nay:

Representatives Baker, Bandy, Black (L), Buskey, Dolbare, Drake, Hall (L), Hayden, Hilliard, Houston, Jackson, Kennedy, Knight (J), McAdory, McClammy, Melton, Minnifield, Mitchell, Parker (P), Rogers (J), Spratt, Thomas (J), Warren and White.

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**PERMISSION GRANTED**

Permission was granted for the Journal to reflect that Representative Newton (D) intended to vote "Nay" on the substitute offered by Representative Rogers (M) to the substitute reported by the Standing Committee on Constitution and Elections to the bill H. 84.

And the bill:

H. 84. To amend Sections 17-10-7, 17-10-9, and 17-10-10, Code of Alabama 1975, to provide for modifications to the language which is required to be printed on an absentee ballot envelope; to further prohibit county election officials from counting an absentee ballot which is not witnessed or notarized as provided by law; and to provide for a delayed effective date.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 70; Nays 26.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Knight (A), Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

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Nay:

Representatives Baker, Bandy, Black (L), Boyd, Buskey, Clark (W), Dolbare, Drake, Hall (L), Hayden, Hilliard, Houston, Jackson, Kennedy, Knight (J), McAdory, McClammy, Melton, Minnifield, Mitchell, Newton (D), Rogers (J), Spratt, Thomas (J), Warren and White.

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**MOTION TO ADJOURN LOST**

The motion offered by Representative Parker (P) that the House adjourn until 1:00 o'clock p.m., Tuesday, April 16, 1996, was lost.

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Yeas 23; Nays 60.

Yea:

Representatives Bandy, Black (L), Boyd, Buskey, Clark (W), Dolbare, Drake, Galliher, Graham, Hall (A), Hamilton, Hawkins, Hayden, Hilliard, Jackson, Kennedy, McClammy, Minnifield, Mitchell, Newton (D), Page, Parker (P) and Thomas (J).

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Nay:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hammett, Haney, Hawk, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Knight (A), Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Papucci, Payne, Penry, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Venable, the Budget Isolation Resolution relating to the bill, H. 507, was adopted.

Yeas 66; Nays 24.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Knight (A), Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

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Nay:

Representatives Bandy, Black (L), Boyd, Buskey, Clark (W), Dolbare, Graham, Hall (L), Hayden, Hilliard, Jackson, Kennedy, McClammy, Melton, Minnifield, Mitchell, Newton (D), Parker (P), Reed, Robinson, Smith, Spratt, Thomas (J) and Warren.

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And the bill:

H. 507. (With Amendment): To require individual voters to present certain identification at the polls as a prerequisite to being authorized to vote and to provide criminal penalties for violations.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Constitution and Elections to the bill, H. 507, said committee amendment being as follows:

Amend H. 507 on Page 2, Section 1, Line 19, after the word "card," by inserting the following language: voter registration card,

### PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative McDaniel intended to abstain from voting on the bill, H. 832, due to a possible conflict of interest.

### RESOLUTIONS

The following resolution was introduced:

By Representative Murphree:

H.J.R. 370. COMMENDING BILL GRAY FOR HIS LIFELONG SERVICE ON BEHALF OF THE ALABAMA INDEPENDENT INSURANCE AGENTS, INC., AND THE INDEPENDENT INSURANCE AGENTS OF AMERICA.

The resolution, H.J.R. 370, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Page:

H.R. 371. CONGRATULATING IRENE LEE UPON HER INSTALLATION AS GOVERNOR OF ALABAMA DISTRICT PILOT INTERNATIONAL.



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Also:

The following resolution was introduced:

By Representative Layson:

H.J.R. 372. COMMENDING JARRET LAYSON OF PICKENS ACADEMY.

The resolution, H.J.R. 372, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Turnham:

H.R. 373. MOURNING THE DEATH OF CAROLYN ANITA PLEASANTS EDEN.

Also:

By Representative Hammett:

H.R. 374. HONORING MRS. RUBY KELLEY TEEL ON HER 92ND BIRTHDAY.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Armistead, Adams, Amari, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 87. MOURNING THE DEATH OF STAFF SERGEANT ROBERT FARRINGTON, JR.

McDOWELL LEE  
Secretary

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**SENATE MESSAGE**

The resolution, S.J.R. 87, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Denton:

S.J.R. 88. URGING CONGRESS TO APPROVE THE "TRUTH IN BUDGETING ACT."

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The resolution, S.J.R. 88, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Butler:

S.J.R. 89. COMMENDING THE SOUTH ALABAMA SKYWARN-ALABAMA EMERGENCY NET GOLF.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The resolution, S.J.R. 89, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Lipscomb, Hale, Dial, Windom, Armistead, Steele, Little, Adams, Denton, Smith, Butler, Hill, Biddle, Roberts, Bailey, Escott-Russell, McClain, Smitherman, Freeman, and Figures:

S.J.R. 84. PROVIDING FOR A RECESS OF BOTH HOUSES OF THE LEGISLATURE FROM NOON UNTIL 1:30 P.M. ON MAY 2, 1996, TO OBSERVE THE 1996 NATIONAL DAY OF PRAYER.

WHEREAS, prayer is the mainspring of the American spirit, a fundamental tenet of our people since before the Republic was founded; a year before the Declaration of Independence in 1775, the Continental Congress proclaimed the first National Day of Prayer as the initial positive action they asked of every colonist; and

WHEREAS, more than two hundred years ago in 1783, the Treaty of Paris officially ended the long, weary Revolutionary War during which a National Day of Prayer had been proclaimed every spring for eight years; when peace came, the National Day of Prayer was forgotten; for almost half a century, as the Nation grew in power and wealth, we put aside this deepest expression of American belief -- our national dependence on the Providence of God; and

WHEREAS, it took the tragedy of the Civil War to restore a National Day of Prayer; as Abraham Lincoln said, "Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us"; and

WHEREAS, revived as an annual observance by Congress in 1952, the National Day of Prayer has become a great unifying force for our citizens who came from all the great religions of the world; prayer unites people; this common expression of reverence heals and brings us together as a Nation and we pray it may one day bring renewed respect for God to all the people of the world; and

WHEREAS, from General Washington's struggle at Valley Forge to the present, this Nation has fervently sought and received divine guidance as it

pursued the course of history; this occasion provides our Nation with an opportunity to further recognize the source of our blessings, and to seek His help for the challenges we face today and in the future; and

WHEREAS, Thursday, May 2, is the 1996 National Day of Prayer, which will be observed by citizens gathering for prayer at our churches, city halls, and state capitols throughout Alabama and the Nation at 12:00 noon local time; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That both houses of the Legislature shall recess on Thursday, May 2, 1996, from 12:00 noon until 1:30 p.m. in support of the National Day of Prayer. Prayer will be offered on the steps of the Capitol from 12:00 noon until 1:00 p.m.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Governor James, President Pro Tem Figures, and Speaker Clark, that they may know of our feelings and desires concerning this matter.

McDOWELL LEE  
Secretary

### SENATE MESSAGE

The resolution, S.J.R. 84, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

### RECESS

The hour of 12:00 o'clock Noon having arrived and pursuant to the motion heretofore adopted, the House recessed until 1:00 o'clock p.m.

### HOUSE RECONVENED

The hour of 1:00 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

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H. 84. To amend Sections 17-10-7, 17-10-9, and 17-10-10, Code of Alabama 1975, to provide for modifications to the language which is required to be printed on an absentee ballot envelope; to further prohibit county election officials from counting an absentee ballot which is not witnessed or notarized as provided by law; and to provide for a delayed effective date.

**TOMMY CARTER**  
Chairman

And the bill, H. 84, as engrossed, was ordered sent to the Senate.

**RESOLUTION**

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative McAdory:

H.R. 375. HONORING THE REVEREND ROBERT GEORGE WILLIAMS ON HIS DEDICATED RELIGIOUS SERVICE.

**H. 507 RESUMED**

**MOTION IN WRITING OFFERED**

Representative Penry offered the following Motion in Writing relating to the bill, H. 507:

I move the previous question.

**MOTION IN WRITING ADOPTED**

And the Motion in Writing was adopted.

Yeas 54; Nays 30.

Yea:

Representatives Allen, Burke, Carns, Carothers, Carter, Clouse, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hogan, Hooper, Johnson (R), Knight (A), Laird, McDaniel, McKee, McMillan, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turner, Vance, Venable, White, Willis and Wren.

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Nay:

Representatives Baker, Bandy, Black (L), Boyd, Buskey, Clark (W), Dolbare, Galliher, Graham, Hall (L), Hayden, Hilliard, Hinshaw, Holmes, Houston, Jackson, Kennedy, Knight (J), Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Parker (P), Reed, Robinson, Spratt, Thomas (J) and Warren.

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The question was then on the adoption of the amendment reported by the Standing Committee on Constitution and Elections to the bill, H. 507, and the committee amendment was adopted.

Yeas 62; Nays 28.

Yea:

Mr. Speaker, Allen, Black (M), Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Knight (A), Laird, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

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Nay:

Representatives Baker, Bandy, Black (L), Boyd, Buskey, Clark (W), Dolbare, Hall (L), Hayden, Hilliard, Holmes, Houston, Jackson, Kennedy, Knight (J), Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Newton (D), Page, Perdue, Reed, Robinson, Thomas (J) and Warren.

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And the bill:

H. 507. To require individual voters to present certain identification at the polls as a prerequisite to being authorized to vote and to provide criminal penalties for violations.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 57; Nays 34.

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Yea:

Mr. Speaker, Allen, Box, Carns, Carothers, Clouse, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Knight (A), Laird, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

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Nay:

Representatives Baker, Bandy, Black (L), Black (M), Boyd, Buskey, Clark (W), Dolbare, Galliher, Hall (A), Hall (L), Hayden, Hilliard, Holmes, Houston, Jackson, Kennedy, Knight (J), Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Morrow, Newton (D), Page, Parker (P), Perdue, Reed, Robinson, Smith, Thomas (J) and Warren.

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**S. 85 TEMPORARILY CARRIED OVER**

On motion of Representative Mitchell, the bill, S. 85, was temporarily carried over by a three-fifths voice vote in accordance with Section 41-20-10(b), Code of Alabama.

**S. 78 TEMPORARILY CARRIED OVER**

On motion of Representative Mitchell, the bill, S. 78, and the pending substitute reported by the Standing Committee on State Administration were temporarily carried over by a three-fifths voice vote in accordance with Section 41-20-10(b), Code of Alabama.

**H. 532 TAKEN UP**

And the bill:

H. 532. (With Substitute): To provide for a salary increase for certain state employees and to appropriate funds therefor for the fiscal years beginning October 1, 1996 and October 1, 1997.

as amended, and the pending amendment offered by Representative McKee on the seventeenth legislative day were taken up.

**AMENDMENT TABLED**

The question was then on the adoption of the amendment offered by Representative McKee to the bill, H. 532, as amended, and on motion of Representative Turner, the amendment was tabled.

Yeas 58; Nays 24.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dukes, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Millican, Morton, Murphree, Newton (C), Page, Papucci, Pringle, Robinson, Rogers (M), Spratt, Thomas (J), Turner, Turnham, Warren, White and Wren.

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Nay:

Representatives Baker, Bandy, Carns, Dolbare, Hall (A), Haney, McDaniel, McKee, Minnifield, Mitchell, Moore, Morrison, Morrow, Payne, Perdue, Reed, Sanderford, Sanderson, Seibenhener, Sims, Smith, Townsend, Vance and Venable.

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**AMENDMENT OFFERED**

Representative Fuller offered the following amendment #3 to the bill, H. 532, as amended:

Amend H. 532 on page 4 after line 11 by adding following new section 5 and renumbering the remaining sections.

Section 5. The pay increase authorized in this act shall be conditioned upon H. 351 of the 1996 Regular Session becoming law.

**MOTION TO INDEFINITELY POSTPONE OFFERED**

Representative Holmes offered the motion to indefinitely postpone the bill, H. 532, as amended, and the pending amendment #3 offered by Representative Fuller.



**H. 532 TEMPORARILY CARRIED OVER**

In accordance with House Rule 21, the bill, H. 532, as amended, the pending amendment #3 offered by Representative Fuller and the motion offered by Representative Holmes to indefinitely postpone were temporarily carried over at the request of Representative Turner.

**PERMISSION GRANTED**

Permission was granted for the Journal to reflect that Representative Sims abstained from voting on the bill, H. 453, in accordance with Article IV, Section 55, Constitution of Alabama 1901, amended, and the following was filed by him:

"I want all my constituents to know that I abstained from voting on House Bill 453 concerning teacher leave. It would be a good bill if amended. My specific problem with the bill is the language concerning the definition of sick leave. Section 16-1-18.1 (a) (4) e. of the bill would permit absence from duty by an employee due to, "[d]eath, injury, or sickness of another person who has unusually strong personal ties to the employee, such as a person who stood in loco parentis." The language "usually strong personal ties to the employee" causes me great concern. Similar language is also found in Section 16-1-18.1 (a) (4) c. of the bill."

"This language may be nothing more than a veiled attempt to promote alternative lifestyle. Tactics like this have been employed by those pushing the homosexual agenda throughout our nation. A member of the Texas legislature visiting Alabama this week indicated that a similar bill surfaced in that body and required amending. He shared our concern over this language. If this bill becomes law in Alabama employers will be forced to give paid time off for any instance that fits in the vague "unusually strong personal ties" language. What a victory this will be for the homosexual community if their lifestyle is accepted and promoted in our state law. The same state law which outlaws the practice of sodomy.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

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H. 507. To require individual voters to present certain identification at the polls as a prerequisite to being authorized to vote and to provide criminal penalties for violations.

TOMMY CARTER  
Chairman

And the bill, H. 507, as engrossed, was ordered sent to the Senate.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Mitchell, Bedford, and Dial:

S.J.R. 85. COMMENDING FRANK D. WILKES FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

On motion of Representative Gipson, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 85, the title of which is set out in the foregoing Message from the Senate.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has non-concurred in the House amendment to the Bill:

S. 300. Proposing an amendment to the Constitution of Alabama of 1901, to phase out existing supernumerary programs and provide that public officials may participate in the Employees' Retirement System of Alabama.

and requests a Committee on Conference.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Langford, Lindsey, and Smitherman.

McDOWELL LEE  
Secretary

### SENATE MESSAGE

On motion of Representative Turner, the House acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 300.

Yeas 53; Nays 27.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carothers, Clark (W), Collins, Crigler, Dolbare, Dukes, Flowers, Gaines, Graham, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hill, Hilliard, Holmes, Houston, Johnson (E), Kennedy, Knight (J), Lindsey, McAdory, McClammy, McMillan, Melton, Minnifield, Morrow, Newton (C), Newton (D), Page, Papucci, Perdue, Pringle, Robinson, Sanderson, Seibenhener, Spratt, Turner, Turnham, Vance, Venable, Warren and White.

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Nay:

Representatives Carns, Clouse, Curry, Dean, Galliher, Gaston, Gipson, Guin, Hawkins, Hayden, Hogan, Johnson (R), Knight (A), Laird, McKee, Millican, Moore, Morrison, Morton, Parker (T), Payne, Petelos, Rogers (M), Sims, Smith, Townsend and Willis.

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### COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Turner, Drake and Rogers (J) on the disagreement of the two Houses on the House amendment to the bill, S. 300.

### RESOLUTIONS

The following resolution was introduced:

By Representative Laird:

H.J.R. 376. COMMENDING TYSON FOODS OF ASHLAND, ALABAMA.

WHEREAS, the Legislature of Alabama wishes to recognize Tyson Foods of Ashland, Alabama, the recipient of the Chairman's Safety Circle Award for its outstanding safety record; and

WHEREAS, the Ashland plant, from August 2, 1995 through February 26, 1996, worked a remarkable one million manhours, 209 days, without a loss time accident, a highly commendable record which reflects sincere corporate concern for its employees; and

WHEREAS, Tyson Ashland, with 1,100 workers attributes its safety success to Tyson Teamwork, each employee is charged with making safe work habits second nature, and in concert with the Safety, Ergonomics, Hazmat and Fire Force Teams, a safe work place has been created and sustained; and

WHEREAS, adopting the philosophy that the company's greatest asset is its people, management has made a lasting commitment to instill safe work habits, conditions, and programs for all who enter its doors; a correct business decision which during the Million Milestone Period saved over \$90,000 in lost wages; and

WHEREAS, we are also pleased to recognize the occupational health staff at Ashland, skilled nursing personnel, and local medical facilities and physicians, all of whom in a professional and caring fashion have administered to the medical needs of Team Tyson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Tyson Foods of Ashland, and each of its Team Members is highly commended for its receipt of the Chairman's Safety Circle Award and its notable safety record, and it is furthermore directed that a copy of this resolution be provided to Tyson Ashland as evidence of our appreciation and esteem.

On motion of Representative Laird, the rules were suspended and the resolution, H.J.R. 376, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Thomas (D):

H.R. 377. COMMENDING MRS. PEGGY LEE FOR OUTSTANDING SERVICE AND CONTRIBUTIONS TO THE CITY OF PELL CITY, ALABAMA.

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Also:

By Representative Laird:

H.R. 378. COMMENDING TYSON FOODS OF ASHLAND, ALABAMA.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S.J.R. 85. COMMENDING FRANK D. WILKES FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

McDOWELL LEE  
Secretary

**SIGNING OF SENATE JOINT RESOLUTION**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the foregoing Message from the Senate.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 831. Proposing an amendment to the Constitution of Alabama of 1901, relating to Cherokee County, authorizing the Cherokee County Commission to levy an additional ad valorem tax for fire protection and rescue services; and to repeal Act 96-194, H. 230 of the 1996 Regular Session.

McDOWELL LEE  
Secretary

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**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 831. Proposing an amendment to the Constitution of Alabama of 1901, relating to Cherokee County, authorizing the Cherokee County Commission to levy an additional ad valorem tax for fire protection and rescue services; and to repeal Act 96-194, H. 230 of the 1996 Regular Session.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

**SIGNING OF HOUSE BILL**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**CERTIFICATE OF CLERK**

To the House of Representatives:

I hereby certify that the House Bill mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Secretary of State at 8:30 A.M. on April 12, 1996.

H. 831 (CONSTITUTIONAL AMENDMENT)

GREG PAPPAS  
Clerk

**ADJOURNMENT**

On motion of Representative Clark (W), the House adjourned until 1:00 o'clock p.m., Tuesday, April 16, 1996.

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**TWENTIETH DAY**

**House of Representatives  
Montgomery, Alabama  
Tuesday, April 16, 1996**

The House met pursuant to adjournment.

**PRAYER**

The session was opened with prayer by Pastor Luther Pratt, Southeast Church of Christ, Montgomery, Alabama.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by David McRae, 8th Grade, Gresham Middle School, Birmingham, Alabama.

**ROLL CALL**

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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A quorum was present.

**REPORT OF STANDING COMMITTEE ON RULES**

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the nineteenth legislative day and finds the same to be correct.

TOMMY CARTER  
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the nineteenth legislative day was dispensed with.

**MOTION TO ADJOURN ADOPTED**

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 9:00 o'clock a.m. on Thursday, April 18, 1996, and the motion was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 370. COMMENDING BILL GRAY FOR HIS LIFELONG SERVICE ON BEHALF OF THE ALABAMA INDEPENDENT INSURANCE AGENTS, INC., AND THE INDEPENDENT INSURANCE AGENTS OF AMERICA.

WHEREAS, Bill Gray has ably served the insurance needs of the citizens of Wetumpka, Alabama, since 1975 through his operation of Cousins Insurance Agency, and has distinguished himself within the insurance industry by obtaining the industry designation of Certified Insurance Counselor in 1983; and

WHEREAS, over the years, Mr. Gray has been a major contributor to the betterment of the state and national insurance industry; he has served the Alabama Independent Insurance Agents, Inc., as its President and Executive Vice President; has represented Alabama Insurance Agents in the capacity of State National Director on the board of the Independent Insurance Agents of America; and has been honored by his fellow insurance agents of Alabama by being named Alabama Independent Insurance Agents, Inc., Insuror of the Year; and



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WHEREAS, he has also provided invaluable leadership and support to his community in such capacities as founder and first President of the Wetumpka Area Chamber of Commerce, as Chairman of the Wetumpka Area United Way Drive, as Chairman of the Advisory Council for the Elmore County area Boy Scouts, Chairman of the Building Committee of the First Baptist Church of Wetumpka, and as a member of the Wetumpka City Council and the Elmore County Bank Board, to name a few; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions and achievement in the insurance industry, we hereby most highly commend Bill Gray of Wetumpka, Alabama, and direct that he receive a copy of this resolution as an expression of our tribute and esteem.

On motion of Representative Carter, the resolution, H.J.R. 370, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 372. COMMENDING JARRET LAYSON OF PICKENS ACADEMY.**

WHEREAS, this Legislative body encourages athletic programs to benefit students who have the athletic ability to perform and excel, and who are interested in furthering their education; and

WHEREAS, Jarret Layson, grandson of our friend and colleague, Representative Allen Layson, has won the Pickens Academy Basketball Three-Point Shooting Contest, thus bringing immense happiness and pride to the local community; and

WHEREAS, winning the first and only three-point basketball shooting contest at Pickens Academy in 1994, Master Layson, personifying that positive ability to persevere and win, also won the shooting contest for the sixth, seventh, and eighth grades; and

WHEREAS, his enthusiasm and love for the game has also made him a winner at the high school level, and he has been instrumental in raising hundreds of dollars for Pickens Academy through his talents on the court; and

WHEREAS, Jarret Layson's actions on the hardwood, and his community contributions off the court, indeed embody the spirit of Pickens Academy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we take great pride in commending Jarret Layson for his outstanding athletic achievements and, by copy of this resolution, convey best wishes for continued success in the years ahead.

On motion of Representative Carter, the resolution, H.J.R. 372, was adopted.

### REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 368. COMMENDING EARLE F. WILSON, III, AS RECIPIENT OF THE DISTINGUISHED FOUNDRYMAN OF THE YEAR AWARD.

WHEREAS, Earle F. "Rick" Wilson, III, has unselfishly served his community with great dedication for many years and, upon the occasion of his selection as the Alabama Cast Metals Association distinguished Foundryman of the Year Award, it is appropriate at this time to highlight and extend special honor for his many accomplishments; and

WHEREAS, born March 6, 1954, in Opelika, Alabama, Mr. Wilson earned a B.S. degree in Industrial Management from Auburn University, and is currently pursuing an M.S. degree in Safety Engineering; he also has received numerous certifications, including Hazard Control Manager, Hazardous Materials Responder, Safety Manager, and a Certificate of Merit for Small Business Administration; and

WHEREAS, Mr. Wilson has worked tirelessly and generously as Vice President of Brewton Iron Works, Inc., where he added worker's compensation responsibilities and, under his skillful leadership, is President of both Compliance Technologies, Inc., and Keystone Castings, Inc.; and

WHEREAS, he has upheld the highest ideals of professionalism, and served in numerous capacities, through his work with the AFS Legislative Affairs Conference in Washington, D.C., and with the Escambia County Republican Party, Alabama Cast Metals Association, American Foundrymen's Society, American Red Cross, and Business Council of Alabama; and

WHEREAS, Earle F. Wilson, III, is married to his loving wife, Janice, and they are the proud parents of two children, ages 17 and 20; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is with great pleasure that Mr. Wilson, who indeed serves as a worthy role model in his community, is recognized and honored as recipient of the distinguished Foundryman of the Year Award.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided to him as an expression of our tribute and esteem.

On motion of Representative Carter, the resolution, H.J.R. 368, was adopted.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 369. COMMENDING MYRTLE C. KIZZIAH FOR PROFESSIONAL ACHIEVEMENTS.

WHEREAS, Myrtle C. Kizziah, who has rendered 42 years of faithful and dedicated service to the State of Alabama as District 3 Headquarters Secretary for the Alabama Forestry Commission in Tuscaloosa County, since her appointment on March 4, 1953, will retire on March 21, 1996; and

WHEREAS, the contributions made by Ms. Kizziah to the citizens of Tuscaloosa County have been invaluable, and her years of selfless community work have made her one of the most beloved and respected leaders in the community; and

WHEREAS, a devoted and obedient servant of God whose life and deeds are a testimony to her deep and abiding faith, Myrtle C. Kizziah has succeeded in compiling an impressive record of career and civic achievements, which has earned her the admiration and respect of those persons who have had the privilege of associating with her; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Myrtle C. Kizziah is hereby commended on her long and distinguished record of professional service to the Alabama Forestry Commission, and further direct that a copy of this resolution be presented to her with sincere best wishes for a rewarding and gratifying retirement.

On motion of Representative Carter, the resolution, H.J.R. 369, was adopted.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**S.J.R. 89. COMMENDING THE SOUTH ALABAMA SKYWARN-ALABAMA EMERGENCY NET GOLF.**

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 89.

**BILLS ON SECOND READING**

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 896. (With Substitute): To amend Sections 40-23-35 and 40-23-36, Code of Alabama 1975, to limit the amount of sales tax discount that may be allowed to \$900 per month per license holder; and to distribute the additional sales tax revenue generated beginning October 1, 1996, until September 30, 2001, to the Department of Conservation and Natural Resources for capital outlay for the state parks. Beginning October 1, 2001, \$3,000,000 of the additional revenue generated annually will be distributed to the Department of Conservation and Natural Resources for capital outlay, repairs and maintenance of state parks and the remainder shall be credited to the State General Fund.

Representative Carns, Chairperson of the Standing Committee on Industrial Development and Economic Growth, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 860. To provide a refund of sales taxes paid on certain tangible property purchased in the state for export to a foreign country.

Representative Ford, Chairperson of the Standing Committee on Tourism, Entertainment and Sports, reported that said Committee in session had acted on the following bill and ordered same Returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 907. To amend Section 16-11-2 of the Code of Alabama 1975, to provide that only one classroom teacher may serve as a member of the Board of Education of the City of Attalla.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

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H. 877. Relating to Baldwin County; authorizing the sheriff to operate a jail store and a telephone system for prisoners in county custody; providing for the deposit, distribution, and auditing of monies earned; and confirming and ratifying certain prior actions.

H. 897. Relating to Dale County, to require the installation and maintenance of an improved system of recording, archiving, and retrieving documents affecting the title to property and other documents recorded in the office of the judge of probate; to provide for the collection and disposition of a special recording fee; and to provide that said system shall constitute official and permanent records in Dale County.

Representative Holmes, Chairperson of the Standing Committee on Local Legislation No. 5, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 720. (With Substitute): Relating to Montgomery County; providing additional compensation for the members of the Montgomery County Board of Education; and repealing Act. No 82-356, H. 710 of the 1982 Regular Session (Acts 1982, p. 510).

Representative Holmes, Chairperson of the Standing Committee on Local Legislation No. 5, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 738. Relating to Montgomery County; providing further for the compensation of the elected official in the position of the revenue commissioner.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 312. (With Substitute): To make an appropriation of \$106,250 from the Education Trust Fund to the Central Alabama Opportunities Industrialization Center for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

H. 318. (With Substitute): To make an appropriation of \$20,000 from the Education Trust Fund to the Exploreum Museum of Discovery for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

H. 339. (With Substitute): To make an appropriation of \$129,081 from the Education Trust Fund to the Alabama League for the Advancement of Education for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

H. 299. (With Substitute): To make an appropriation of \$3,968,250 from the Education Trust Fund for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1997, and to require an operations plan prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 352. (With Substitute) (With Amendment): To provide for the regulation and licensure of bona fide coin operated amusement machines; provide for master licenses and fees; to provide for refunds; to provide for grounds for reprimand or refusal to issue, suspension, or revocation of licenses; to provide for notice and hearing; to provide for judicial review and appeal; to provide for powers, duties, and authority of the State Revenue Commissioner with respect to amusement machines; to amend Section 40-23-4, Code of Alabama 1975, relating to exemptions from sales and use tax; and to provide for criminal violations and penalties.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 900. To amend Section 40-23-1, Code of Alabama 1975, to provide further for transactions defined as sales for state sales tax purposes.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 721. (With Substitute): To amend Section 36-27-51 of the Code of Alabama 1975, to reopen the Employees' Retirement System of Alabama to allow certain local employees to purchase credit for certain prior service rendered to nonparticipating employers eligible for participation in the system.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 459. Providing for distinctive motor vehicle license tags or plates for supporters of the Alabama Heart Association; prescribing the fees for the tags or plates; providing for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 461. (With Substitute): Relating the District Attorney's Office, Tenth Judicial Circuit, Jefferson County Birmingham Division; to provide for the appointment, duties, and compensation of deputy district attorneys; and to repeal the following acts: Act No. 523, H. 121, 1975 Regular Session (Acts 1975, p. 1174); Act No. 720, H. 1038, 1987 Regular Session (Acts 1987, p. 1410); Act No. 90-542, H. 637, 1990 Regular Session (Acts 1990, p. 842); and Act No. 93-567, H. 372, 1993 Regular Session (Acts 1993, p. 946); all relating to the office and compensation of the deputy district attorneys in the Tenth Judicial Circuit are specifically repealed.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 110. To exempt the Birmingham Civil Rights Institute, from all state, county, and municipal income, license, and sales and use taxes.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 909. (With Amendment): To provide distinctive motor vehicle license tags or plates for members of the ALABAMA ASSOCIATION OF REALTORS; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 379. (With Substitute): To amend Section 12-17-81, Code of Alabama 1975, relating to the salary of the circuit clerks and registers, to provide further for the compensation.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 9. To amend Section 6-2-8, Code of Alabama 1975, which relates to the extension of the time for the commencement of certain civil actions; actions for entry upon land; or defenses based on title to real property, to remove the extended period of time allowed for the commencement of a civil action by certain persons imprisoned on a criminal charge for a term less than life.

S. 35. To amend Section 6-2-33 of the Code of Alabama 1975, which provides for the statute of limitations for certain civil actions against sheriffs, coroners, constables, and other public officers for nonfeasance, misfeasance and malfeasance in office, to further provide that the statutory period for action against the officers would apply only to actions brought by or on behalf of the State of Alabama, a county, a municipality, or other political subdivision of the state; and to provide an effective date.

S. 308. To amend Sections 36-1-7 and 36-29-22, Code of Alabama 1975, to provide for the appointment of a state employee to the Employee Suggestion Award Board and the Flexible Employees Benefit Board in lieu of the executive director of the Alabama State Employees Association.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 435. Relating to Russell County; to authorize the board of health to designate the environmental services rendered for which a reasonable fee may be charged and to set the appropriate fee for each service.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 827. To amend Sections 40-18-135 to 40-18-139, inclusive, Code of Alabama 1975; to provide for a credit against state income tax liability to certain employers who sponsor an approved job-related higher education program; to provide that any unused credit may be carried forward for a period of three tax years; and to provide for approval of a job-related higher education program.

### INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:



By Representative Sims:

H. 916. To provide that prior to hiring any personnel in an Alabama hospital or related health care institution as defined in Section 22-21-20, Code of Alabama 1975, the facility shall secure from the Criminal Justice Information System the prospective employee's criminal record. The bill further provides for the authority of the Criminal Justice Information System to provide the information and for charging a fee for the same.

COMMITTEE ON HEALTH

By Representative Sims:

H. 917. To amend Title 22, Chapter 21, Code of Alabama 1975, by adding Section 22-21-9, relating to facilities defined by Section 22-21-20, Code of Alabama 1975, that employ registered nurses; to provide that such facilities shall be subject to a \$10,000 fine payable to the State General Fund if they do not require the wearing of the designation "R.N." or "Registered Nurse" by registered nurses while they are performing their professional duties. It further provides that an employee of such facility who prevents or frustrates the wearing of "R.N." or "Registered Nurse" is guilty of a Class A misdemeanor.

COMMITTEE ON JUDICIARY

By Representatives Turner, Crigler, Mitchell, Gaston, Pringle, Buskey, Clark (W), Kennedy, Dean, and Box:

H. 918. To provide for the Alabama Underwater Cultural Resources Act; to provide that certain underwater artifacts, treasure troves, or other resources designated as cultural resources shall be managed and preserved by the Alabama Historical Commission; to prohibit the taking or damaging of those resources without a contract or permit with the commission; to authorize the commission to adopt rules pursuant to a management plan for those resources and to exercise other powers to enforce this act; to prescribe criminal penalties and seizures of certain property for violation of the act; and to construe this act together with Section 41-9-249.1, Code of Alabama 1975.

COMMITTEE ON NAVIGATION AND  
WATERWAYS

By Representative Clark (J) (With Notice and Proof):

H. 919. Relating to Barbour County; providing for the compensation of the Judge of Probate of Barbour County; repealing conflicting laws; and providing for effective dates.

COMMITTEE ON LOCAL LEGISLATION NO. 1

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I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 919, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Clark (J) (With Notice and Proof):

H. 920. Relating to Barbour County; providing for an expense allowance and mileage for the coroner; and repealing Act No. 82-505, S. 532 of the 1982 Regular Session, (Acts 1982, p. 837) and Act No. 94-399, H. 736 of the 1994 Regular Session, (Acts 1994, p. 656).

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 920, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Clark (J) (With Notice and Proof):

H. 921. Proposing an amendment to the Constitution of Alabama of 1901, to provide for the compensation of the Judge of Probate of Barbour County on a salary basis.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 921, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Dukes:

H. 922. To amend Section 11-85-56 of the Code of Alabama 1975, relating to the powers and duties of regional planning and development commissions, to authorize the commissions to issue bonds.

COMMITTEE ON LOCAL GOVERNMENT

REGULAR SESSION  
20th Day

1959

By Representative Gipson (With Notice and Proof):

H. 923. Relating to Elmore County; to amend Section 7 of Act 95-393, H. 591, 1995 Regular Session (Acts 1995, p. 800), providing for districts for fire protection and other related services and for the imposition of fees in the districts; to exclude any area within the corporate limits of the City of Prattville and any area in the police jurisdiction of the City of Prattville served by the City of Prattville; and to provide for retroactive effect to October 1, 1995.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 923, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Hinshaw (With Notice and Proof):

H. 924. Relating to Madison County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as the county revenue commissioner; providing for the election, power, duties, term of office, and compensation of the official; abolishing the offices of tax assessor and tax collector; and providing that the substantive provisions of the act shall become effective on approval of the electors.

COMMITTEE ON LOCAL LEGISLATION NO. 4

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 924, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Johnson (R):

H. 925. To amend Sections 22-6-7 and 41-16-27 of the Code of Alabama 1975, relating to the Alabama Medicaid Agency and the awarding of contracts, to further provide for the award of management information system contracts and other contracts to administer Medicaid based on factors other than the lowest bid; to provide that the Alabama Medicaid Agency may consider factors other than the lowest bid and to provide for the procedures when awarding contracts related to Medicaid managed care service delivery systems; and to further provide for the evaluation of modifications by health maintenance organizations and applicants to be approved as health maintenance organizations when submitted by prospective managed care service providers to the Alabama Medicaid Agency.

COMMITTEE ON HEALTH

By Representatives Fuller and Curry:

H. 926. To provide for stress time for law enforcement officers and firefighters who are not receiving stress time as of the effective date of this act and who are members of the Employees' Retirement System, and to provide certain court costs and business license fees to fund the costs of additional stress time.

COMMITTEE ON WAYS AND MEANS

By Representatives Curry, Hill, Rogers (M), Murphree, Robinson, Fuller, Hawkins, McKee, Allen, Baker, Seibenhener, Holmes, Black (M), Hooper, and Dean:

H. 927. Relating to the Uniform Disposition of Unclaimed Property Act, to amend Sections 35-12-21, 35-12-22, 35-12-31, 35-12-32, 35-12-33, 35-12-34, 35-12-35, 35-12-36, 35-12-37, 35-12-38, 35-12-39, 35-12-40, 35-12-41, 35-12-42, 35-12-43, 35-12-44, 35-12-45, 35-12-46, and 36-17-3 of the Code of Alabama 1975, to transfer the duties related to the administration and enforcement of the provisions of the Uniform Disposition of Unclaimed Property Act from the Commissioner of Revenue to the State Treasurer; providing for an appropriation from the State General Fund; providing for a transfer of certain funds from the Department of Revenue to the State Treasurer; providing for a transitional period of up to six months after the effective date of this act in which to accomplish the transfer; repealing Section 35-12-24.1 of the Code of Alabama 1975; and providing for a delayed effective date.

COMMITTEE ON BANKING

By Representative McKee (With Notice and Proof):

H. 928. Relating to Montgomery County; providing further for the compensation of the elected official in the Office of the Revenue Commissioner.

COMMITTEE ON LOCAL LEGISLATION NO. 5

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 928, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Parker (T):

H. 929. To amend Section 35-12-22, Code of Alabama 1975, relating to abandoned property; to require banking and financial organizations to make reasonable efforts to locate the owner before presuming property abandoned.

COMMITTEE ON BANKING

REGULAR SESSION  
20th Day

1961

By Representative Box:

H. 930. To amend Section 40-14-70, Code of Alabama 1975, relating to the assessment and collection of the domestic corporation shares tax; to codify the long-standing deduction for the capital stock owned in other domestic corporations; to provide a conforming deduction for the cost of capital stock owned in foreign corporations doing business in Alabama; to provide certain technical corrections, repeal certain deadwood provisions, direct the Department of Revenue to issue conforming regulations; and to provide for a retroactive effective date.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Penry and McMillan (With Notice and Proof):

H. 931. Relating to Baldwin County; amending Sections 2 and 3 of Act No. 85-684, H. 1056, (Acts 1985, p. 1097), relating to court charges and the Baldwin County Law Library and Judicial Administration Fund, to make the \$1.50 court costs applicable in civil and quasi civil actions, equity, criminal, quasi criminal, proceedings on forfeited bail or forfeited bond in the circuit court of Baldwin County under certain conditions applicable in the Juvenile Court and in civil actions filed in the District Court of Baldwin County; and providing that this act shall be construed together with other laws relating to court costs in Baldwin County, and ratifying collections retroactively to January 1, 1977.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 931, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Willis:

H. 932. To amend Sections 32-6-192 and 32-6-195 of the Code of Alabama 1975, relating to the issuance of distinctive license tags or plates to members of the Ancient Arabic Order of Nobles of the Mystic Shrine for North America; to provide that a distinctive license tag or plate may be issue to the wife or widow of a member of the Ancient Arabic Order of Nobles of the Mystic Shrine for North America or to any person who holds a membership courtesy card validated by any shriner organization; and to provide for the return of the distinctive license tag or plate.

COMMITTEE ON WAYS AND MEANS

By Representatives McKee, Morrison, Hall (A), Seibenhener, Dean, McMillan, Sims, Willis, Wren, Dolbare, Hamilton, Flowers, Turner, Hooper, Allen, Curry, Layson, Townsend, Payne, Carns, and Sanderford:

H. 933. To propose an amendment to the Constitution of Alabama of 1901, to require the approval of three-fifths of all the members of each house of the Legislature to pass any bill imposing a tax or license fee; and to provide an exception.

#### COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representatives McAdory, Houston, Rogers (J), Hilliard, and Johnson (E):

H. 934. To provide for an inspection fee on solid waste generated out-of-state and brought into the state for disposal.

#### COMMITTEE ON WAYS AND MEANS

By Representative Rogers (J):

H. 935. To make an appropriation of \$150,000 from the State General Fund in the State Treasury to the Olympic coordinating Committee for the fiscal year ending September 30, 1996, for security purposes.

#### COMMITTEE ON WAYS AND MEANS

By Representatives Allen, Layson, and Guin:

H. 936. Proposing an amendment to the Constitution of Alabama of 1901, relating to the jurisdiction of any municipal planning commissions in Tuscaloosa County, to exempt certain forest or agricultural property and residential property from subdivision regulations in the unincorporated territory of the county.

#### COMMITTEE ON LOCAL LEGISLATION NO. 6

The above bill was read a first time at length as required by the Constitution.

By Representative Burke:

H. 937. Relating to premium tax with respect to health maintenance organizations; to amend Section 27-21A-28, Code of Alabama 1975, to repeal the classification for tax purposes of health maintenance organizations as life insurers, to make health maintenance organizations subject to the premium tax rates applicable to health insurers; and to provide for its retroactive effect.

#### COMMITTEE ON WAYS AND MEANS

REGULAR SESSION  
20th Day

1963

By Representatives Laird and Fuller (With Notice and Proof):

H. 938. Relating to Chambers County, authorizing the sheriff to sell certain abandoned, stolen, and unclaimed property at public auction; authorizing the sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms; and providing for the disposition of proceeds.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 938, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Laird and Fuller (With Notice and Proof):

H. 939. Relating to Chambers County; providing further for the use of certain funds accruing to the Sheriff's Work Release Fund.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 939, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Laird and Fuller (With Notice and Proof):

H. 940. Relating to Chambers County; providing for the levy of an additional recording fee upon court documents filed for record with the judge of probate; and providing that the fee shall not apply to real property or U.C.C. instruments.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 940, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Laird and Fuller (With Notice and Proof):

H. 941. Relating to Chambers County; providing for the county commission to reimburse the office of judge of probate for monetary loss resulting from the performance of official duties for errors or mistakes made in good faith and providing that reimbursement payments be made from the county general fund.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 941, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Laird and Fuller (With Notice and Proof):

H. 942. Relating to Chambers County; to amend Section 2 of Act No. 1180, H. 2226, 1971 Regular Session, as amended, relating to the issuance of pistol permits by the sheriff, to provide further for the disposition of the fees.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 942, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Dukes (With Notice and Proof):

H. 943. Relating to the City of Decatur in Morgan County and Limestone County; to amend Act No. 95-557, S. 595 1995 Regular Session (Acts 1995, p. 1164), altering and extending the corporate limits of the city, to further provide for the description.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 943, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Galliher:

H. 944. Relating to service contracts, to regulate and provide standards for the providers of service contracts to consumers; to define certain terms; to provide exceptions to the application of this act; to require certain disclosures and other requirements applicable to service contracts and to provide certain exceptions; to provide for registration of service contract providers with the Commissioner of Insurance and for the payment of an annual fee; to authorize the Commissioner of Insurance to administer this act and provide for powers to investigate and examine providers, administrators, insurers, and others with obligations related to service contract holders; to authorize the Commissioner of Insurance to take action to enforce this act and regulations and orders including the authority to issue orders, impose civil penalties, and file for injunctions against a provider; and to provide an aggrieved party a hearing process and restitution.

COMMITTEE ON BANKING



REGULAR SESSION  
20th Day

1965

By Representative Hall (L):

H. 945. To exempt the United Cerebral Palsy and its affiliates from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Guin, Millican, Morrison, and Hogan:

H. 946. To further regulate the discharge of sanitary sewage into the waters of this state; to provide for secondary and advanced waste treatment by the Alabama Department of Environmental Management; to prohibit the discharge of sanitary sewage and restrict solid waste disposal in or near certain waters of the state; and to provide penalties for violations.

COMMITTEE ON COMMERCE,  
TRANSPORTATION AND UTILITIES

By Representative Clark (W) (With Notice and Proof):

H. 947. Relating to Mobile County; to amend and reenact Act No. 161 of the 1957 Regular Session (Acts 1957, p. 210), which created the Water Works and Sewer Board of the City of Prichard; to change the name and provide for the employees' pension plan; to provide retirement credit for temporary total disability and provide for retirement of employees; to provide appropriations for funeral expenses upon the death of any employer of the board; to provide for gifts, donations, and legalities to the fund; to provide for the appointment of trustees; and to provide penalties for violations.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 947, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Fuller:

H. 948. To make a supplemental appropriation of \$137,000 from the State General Fund to the Court of Civil Appeals for the fiscal year ending September 30, 1996.

COMMITTEE ON WAYS AND MEANS

1966

JOURNAL OF THE HOUSE, 1996  
20th Day

By Representatives Johnson (E), Gaines, Hill, Minnifield, and Carter (With Notice and Proof):

H. 949. Relating to the City of Birmingham in Jefferson County; to authorize the Board of Managers of the City of Birmingham Retirement and Relief System to grant Ben Byrd a pension based upon extraordinary disability; and to award the pension if, in the judgment of the Board of Managers, the pension is required.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 949, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Jorgensen, Hall (L), Graham, Hinshaw, Thomas (D), and Sanderford:

H. 950. To amend Section 38-7-2, Code of Alabama 1975, relating to the licensing of child care facilities; to exempt a residence in which a person cares only for a related child or children or only a child or children of an unrelated single-family unit, or both, at any one time.

COMMITTEE ON HEALTH

By Representative Rogers (M):

H. 951. To provide that financial institutions insured by the National Credit Union Association may accept state deposits without security.

COMMITTEE ON BANKING

By Representative Rogers (J):

H. 952. To make a conditional appropriation of \$150,000 from the State General Fund in the State Treasury to the Olympic coordinating Committee for the fiscal year ending September 30, 1996, for security purposes.

COMMITTEE ON WAYS AND MEANS

By Representative Jorgensen:

H. 953. Amending Section 1 of Act 95-187, H. 438, of the 1995 Regular Session, appearing as Section 40-18-190 of the Code of Alabama 1975, to specify that certain property previously owned or leased by an investing company constitutes a capital cost for purposes of obtaining a state income tax capital credit.

COMMITTEE ON INDUSTRIAL DEVELOPMENT  
AND ECONOMIC GROWTH

**BILLS ON THIRD READING**

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Dolbare, the Budget Isolation Resolution relating to the bill, H. 681, was adopted.

Yeas 33; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Carter, Clark (W), Clouse, Collins, Dolbare, Guin, Hamilton, Hammett, Hilliard, Hogan, Hooper, Houston, Jackson, Jorgensen, Laird, Lindsey, Millican, Moore, Murphree, Newton (C), Papucci, Seibenhener, Smith, Spratt, Vance, Venable and Willis.

-33

**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 681. (With Substitute): Relating to Washington County; to further provide for the operation of the county commission; to provide further for the compensation of the commission; to provide for a centralized road system for the operation of the county roads and bridges; to provide for the employment of a county engineer; to provide for the continual supervision of the roads and bridges by the commission; to repeal conflicting laws; and to provide for a referendum.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1 to the bill, H. 681, said committee substitute being as follows:

**A BILL  
TO BE ENTITLED  
AN ACT**

Relating to Washington County; to further provide for the operation of the county commission; to provide further for the compensation of the commission; to provide for a centralized road system for the operation of the county roads and

bridges; to provide for the employment of a county engineer; to provide for the continual supervision of the roads and bridges by the commission; to repeal conflicting laws; and to provide for a referendum.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Beginning with the term of office which commences in November 1996, each member of the county commission shall serve on a part-time basis and receive a salary as provided by Section 11-3-4.1 of the Code of Alabama 1975, for serving on a part-time basis. The judge of probate shall serve as chair of the commission.

Section 2. The Washington County Commission shall establish a centrally located shop and centralized road system for the operation of the county roads and bridges. The county commission may vote to establish more than one shop location when the county engineer recommends any additional location is needed to facilitate the economical use of equipment and funds. The county engineer shall at each October meeting of the county commission make recommendations for a yearly work plan and present an annual budget. The commission at its regular meetings shall discuss needs as they arise and vote on all issues that might affect the county.

Section 3. The county commission may employ clerical help and assistance deemed necessary for the proper, efficient, and economical operation of the county commission. The judge of probate shall enter the minutes of all proceedings of the county commission in a well-bound book provided for that purpose. The book shall be kept in the office of the county commission and shall be open to the inspection of the public at all reasonable hours. The judge of probate shall keep a complete record of all receipts and disbursements of all county funds which shall be published once a year in a newspaper published in the county and shall be prepared upon request to show the financial condition of the county.

Section 4. The county commission shall employ a county engineer, who shall be a qualified and competent civil engineer, possessing all of the qualities as specified for county engineers pursuant to law. The county engineer shall devote his or her time and attention to the maintenance and construction of the Washington County public roads, highways, bridges, and county shop. The county engineer shall serve at the pleasure of the county commission. The county engineer of Washington County shall perform all of the following duties:

(1) Employ, supervise, and direct all assistants necessary to properly maintain and construct the public roads, highways, bridges, and county shop of Washington County, and shall prescribe their duties and discharge employees for cause or when not needed.

(2) Perform engineering and surveying services as required, and prepare and maintain all necessary maps and records.

(3) Maintain the necessary accounting funds and records to reflect the cost of the county highway system.

(4) Build or construct new roads or change old roads.

(5) Maintain and construct all county roads on the basis of the county as a whole, without regard to any district or beat lines. The county engineer is designated as the person authorized to make written requisition to the chair of the commission or his or her duly designated purchasing agent for all articles, materials, supplies, and equipment necessary for the maintenance and construction of the roads, bridges, and county shop in Washington County. The county commission shall fix, from time to time, in accordance with prevailing economic conditions, the number of employees and the various scales of wages or salaries to be paid for labor necessary in the maintenance and construction of the roads, bridges, and county shop operation, and the wage or salary scale shall not be exceeded by the county engineer in the employment of labor and assistants. The county commission shall fix the amount of the salary of the county engineer, payable in equal monthly installments from the gasoline tax fund of Washington County. Before entering upon his or her duties, the county engineer shall make and enter into a surety bond in an amount set, from time to time, by the county commission, conditioned for the faithful discharge and performance of his or her duties as county engineer, and for the faithful accounting of all monies or property of the county, which may come into his or her possession or custody. The bond shall be executed by a surety company authorized and qualified to do business in Alabama, approved by the chair of the county commission, and the premiums thereon shall be paid by Washington County. The county commission shall furnish the county engineer with an office and all necessary office supplies, and shall furnish him or her with necessary transportation only on an as-needed basis in connection with his or her duties pursuant to this act. The county engineer shall be the custodian of all road tools, machinery, supplies, and equipment. The county commission shall furnish the necessary storage facilities in which to keep the tools, machinery, supplies, and equipment and the county engineer shall keep on file in his or her office, at all times, an up-to-date inventory, containing a list of all the tools, machinery, equipment, and supplies belonging to the county. The authority of the county engineer shall be limited to the expenditure of funds for the purposes of construction, maintenance, or repairs of public roads and bridges of the county as appropriated by the county commission. The county commission shall fix and determine the amount of funds which will be available for the purpose of building, maintaining, and constructing public roads, bridges, and ferries of Washington County for the ensuing fiscal year, beginning on October 1. That amount, other than the salary of the county engineer, and his or her necessary expenses, shall not be exceeded, except that the county commission may, from time to time, within any period, increase the amount allowed to be expended by the county engineer during the period, provided that the authorization does not conflict with other provisions of law.

Section 5. Each member of the county commission shall inspect the roads and bridges of his or her district, from time to time, hear the suggestions and complaints of the citizens, and report the suggestion or complaint to the county commission with his or her recommendations. The members of the county commission shall also assist in securing right-of-way and assist in public relations generally. The members of the commission may use a county vehicle for the performance of their duties only on an as-needed basis or may receive mileage at the same rate paid state employees not to exceed two hundred dollars (\$200) per month.

Section 6. All laws or parts of laws which conflict with this act, including, but not limited to, Act No. 91-282, H. 754, 1991 Regular Session (Acts 1991, p.535), and Act No. 84-535, H. 127, 1984 Regular Session (Acts 1984, p. 1155), are repealed.

Section 7. Sections 1 to 6, inclusive, of this act shall become operative only if approved by a majority of the qualified electors of Washington County who vote in an election to be held on the day designated by the Judge of Probate of Washington County. The notice of the election shall be given by the judge of probate, and the election shall be held, conducted, and the results canvassed in the manner as other county elections. The election shall be held in conjunction with the next regularly scheduled state or local election to be held in the county. The question shall be, "Do you favor the adoption of Act No. \_\_, of the 1996 Regular Session of the Alabama Legislature which provides that the county commission serve on a part-time basis and for countywide planning of road maintenance? Yes ( ) No ( )." The county shall pay any costs and expenses not otherwise reimbursed by a governmental agency which are incidental to the election. If a majority of the votes cast in the election are "Yes," Sections 1 to 6, inclusive, of this act shall become operative immediately. If the majority of the votes are "No," this act shall be repealed and shall have no further effect. The Judge of Probate of Washington County shall certify the results of the election to the Secretary of State.

Section 8. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 40; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Carter, Clark (W), Clouse, Collins, Dolbare, Gaines, Gipson, Guin, Hamilton, Hammett, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Jorgensen, Knight (A), Laird, Lindsey, McMillan, Melton, Millican, Moore, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Rogers (M), Seibenhener, Smith, Turner, Venable and Willis.

-40

### **PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 681. Relating to Washington County; to further provide for the operation of the county commission; to provide further for the compensation of the commission; to provide for a centralized road system for the operation of the county roads and bridges; to provide for the employment of a county engineer; to provide for the continual supervision of the roads and bridges by the commission; to repeal conflicting laws; and to provide for a referendum.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 45; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Carter, Clark (W), Collins, Dolbare, Ford, Gaines, Gaston, Gipson, Guin, Hamilton, Hammett, Hawk, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Jorgensen, Knight (A), Laird, Lindsey, McMillan, Melton, Millican, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Rogers (M), Seibenhener, Smith, Spratt, Turner, Venable and Willis.

-45

### **PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Graham, the Budget Isolation Resolution relating to the bill, H. 833, was adopted.

Yeas 46; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Carothers, Carter, Clouse, Collins, Dolbare, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Knight (A), Lindsey, McClammy, McMillan, Millican, Moore, Morton, Newton (C), Papucci, Parker (P), Parker (T), Penry, Rogers (M), Sims, Spratt, Turner, Venable and Willis.

-46

**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 833. Relating to the selection of the chair of the Tallapoosa County Commission and designating the office of the chair a full-time position; providing further for the compensation of the chair of the county commission; providing for the termination of expense allowances payable to the chair; and to repeal Act No. 88-157, H. 142 of the 1988 Regular Session (Acts 1988, p. 248).

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 33; Nays 0.

Yea:

Mr. Speaker, Black (M), Boyd, Carothers, Carter, Collins, Dolbare, Ford, Gaines, Gipson, Graham, Guin, Hammett, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (R), Jorgensen, Knight (A), Lindsey, Millican, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Rogers (M), Sims, Smith and Willis.

-33



**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Millican, the Budget Isolation Resolution relating to the bill, H. 874, was adopted.

Yeas 38; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Boyd, Carter, Clouse, Collins, Dolbare, Gaines, Gipson, Guin, Hammett, Hawk, Hilliard, Hinshaw, Hogan, Holmes, Jackson, Jorgensen, Knight (A), Laird, Lindsey, McMillan, Millican, Morton, Murphree, Papucci, Parker (P), Parker (T), Penry, Rogers (M), Seibenhener, Smith, Spratt, Thomas (D), Vance and Willis.

-38

**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 874. Relating to Marion County; to further amend Section 2 of Act No. 80-128, H. 603, 1980 Regular Session (Acts 1980, p. 191), to provide for the sale or disposal of property under the control of the county commission to a municipal or other governmental entity in the county without the necessity of public auction or sealed bids.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Carter, Collins, Dean, Dolbare, Flowers, Gaines, Gaston, Guin, Hall (A), Hall (L), Hammett, Hill, Hilliard, Hinshaw, Hogan, Jackson, Jorgensen, Knight (A), Laird, Lindsey, McMillan, Millican, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Rogers (M), Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable and Willis.

-45

### **PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Baker, the Budget Isolation Resolution relating to the bill, H. 879, was adopted.

Yeas 43; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Carter, Clouse, Collins, Dolbare, Drake, Flowers, Gaines, Gipson, Guin, Hammett, Hill, Hilliard, Hinshaw, Hogan, Jorgensen, Kennedy, Knight (A), Lindsey, McClammy, McMillan, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable and Willis.

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### **PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**REGULAR SESSION  
20th Day**

1975

And the bill:

H. 879. Relating to Henry County, providing further for additional costs and charges in all Juvenile Court cases, and providing for the establishment of a Juvenile Court Services Fund in the county and the distribution of such funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yea:

Mr. Speaker, Baker, Black (M), Clouse, Collins, Dolbare, Drake, Flowers, Gaines, Gipson, Guin, Hammett, Hill, Hilliard, Hinshaw, Hogan, Holmes, Jackson, Jorgensen, Kennedy, Knight (A), Lindsey, McClammy, McMillan, Melton, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Vance, Venable and Willis.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Newton (C), the Budget Isolation Resolution relating to the bill, S. 350, was adopted.

Yeas 47; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Carothers, Carter, Clouse, Collins, Dean, Dolbare, Drake, Gaines, Gaston, Gipson, Guin, Hall (A), Hammett, Hill, Hilliard, Hinshaw, Hogan, Jackson, Jorgensen, Knight (A), Lindsey, McMillan, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable and Willis.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 350. Relating to Crenshaw County; to exempt Crenshaw Baptist Hospital from local sales and use taxes.

was read a third time at length and passed.

Yeas 40; Nays 0.

Yea:

Representatives Allen, Black (L), Black (M), Carns, Carter, Collins, Dean, Dolbare, Drake, Flowers, Gaines, Gaston, Guin, Hall (A), Hammett, Hilliard, Hinshaw, Hogan, Jackson, Jorgensen, Knight (A), Lindsey, McClammy, Millican, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Sanderson, Sims, Spratt, Thomas (D), Townsend, Vance, Venable, White and Willis.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**S. 85 TEMPORARILY CARRIED OVER**

On motion of Representative Mitchell, the bill, S. 85, was temporarily carried over by a three-fifths voice vote in accordance with Section 41-20-10(b), Code of Alabama.

**S. 78 TEMPORARILY CARRIED OVER**

On motion of Representative Box, the bill, S. 78, and the pending substitute reported by the Standing Committee on State Administration on the fourteenth legislative day were temporarily carried over by a three-fifths voice vote in accordance with Section 41-20-10(b), Code of Alabama.

REGULAR SESSION  
20th Day

1977

**H. 532 TAKEN UP**

And the bill:

H. 532. (With Substitute): To provide for a salary increase for certain state employees and to appropriate funds therefor for the fiscal years beginning October 1, 1996 and October 1, 1997.

as amended, the pending amendment #3 offered by Representative Fuller and the pending motion offered by Representative Holmes to indefinitely postpone on the nineteenth legislative day were taken up.

**MOTION TO INDEFINITELY POSTPONE WITHDRAWN**

No objection being offered, Representative Holmes withdrew his motion offered on the nineteenth legislative day to indefinitely postpone the bill, H. 532, as amended, and the pending amendment #3 offered by Representative Fuller.

**AMENDMENT ADOPTED**

The question was then on the adoption of the amendment #3 offered by Representative Fuller to the bill, H. 532, as amended, and the amendment #3 was adopted.

Yeas 92; Nays 3.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Rogers (M), Seibenhener and Sims.

**AMENDMENT OFFERED**

Representative Sanderson offered the following amendment #2 to the bill, H. 532, as amended:

Amend H. 532 on page 4 after line 11 by adding a new Section 5 and renumbering accordingly.

"Section 5. Any provisions of this act to the contrary notwithstanding, the 4% increase provided herein shall not apply to any state funded judge for the fiscal year ending September 30, 1997 and an amount equal to 4% of such judges' salaries is hereby appropriated to Freddie Lee Gaines from the State General Fund for the Fiscal Year ending September 30, 1997.

**AMENDMENT TABLED**

On motion of Representative Turner, the amendment #2 offered by Representative Sanderson to the bill, H. 532, as amended, was tabled.

Yeas 78; Nays 5.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carter, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jorgensen, Kennedy, Knight (A), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Pringle, Reed, Robinson, Rogers (M), Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-78

Nay:

Representatives Clouse, Jackson, Penry, Sanderson and Seibenhener.

- 5

And the bill:

H. 532. To provide for a salary increase for certain state employees and to appropriate funds therefor for the fiscal year beginning October 1, 1996.

as amended, was read a third time at length and passed, and ordered engrossed.

**REGULAR SESSION  
20th Day**

1979

Yeas 96; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representative Sanderford.

- 1

**PERMISSION GRANTED**

Permission was granted for the Journal to reflect that Representative Sanderford inadvertently voted "Nay" and intended to vote "Yea" on passage of the bill, H. 532, as amended.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 681. Relating to Washington County; to further provide for the operation of the county commission; to provide further for the compensation of the commission; to provide for a centralized road system for the operation of the county roads and bridges; to provide for the employment of a county engineer; to provide for the continual supervision of the roads and bridges by the commission; to repeal conflicting laws; and to provide for a referendum.

TOMMY CARTER  
Chairman

And the bill, H. 681, as engrossed, was ordered sent to the Senate.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 119. To make a supplemental appropriation from the State General Fund in the amount of \$850,000 to the Child Advocacy Centers for the fiscal year ending September 30, 1996.

McDOWELL LEE  
Secretary

**RESOLUTION**

The following resolution was introduced:

By Rules Committee:

H.R. 379. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the Twentieth legislative day, Tuesday, April 16, 1996, taking precedence over the regular order of business or any pending or unfinished business:

And the Following bills:

Inst Id	Page
H. 465 (By Knight A)	49
Juvenile offenders, identification of, procedure alt., Secs. 12-15-100, 12-15-101, 12-15-102, 41-9-622, 41-9-623 am'd.	
S. 119 (By Biddle)	118
Juvenile offenders, detaining of, procedure, alt., Secs. 12-15-53, 12-15-61, 12-15-71 am'd.	
S. 244 (By Langford)	118
Charities, registration by charitable organizations req., penalties, remedies available to Atty. Gen., Secs. 13A-9-70, 13A-9-71, 13A-9-72, 13A-9-76 am'd.	



**REGULAR SESSION  
20th Day**

1981

H. 219 (By Robinson) 27

Search warrants, issuance without written affidavit, Sec. 15-5-3 am'd.

H. 229 (By Petelos) 7

Sexual offense, rape in first degree, deviate sexual intercourse and sexual abuse where victim is less than 12, amended to include victim age 12, common law marriage not a defense to sexual offense, Secs. 13A-6-61, 13A-6-63, 13A-6-66 am'd.

H. 477 (By Rogers M) 66

Controlled substances, distrib., punishment, enhancement of sentence for commission while armed with a firearm

H. 228 (By Petelos) 9

Arrest without warrant for criminal violations under cert. conditions, Sec. 15-10-3 am'd.

H. 570 (By Graham) 86

Pistols, felony for person convicted of felony drug crime to possess, Sec. 13A-11-70, 13A-11-72 am'd.

H. 537 (By Johnson R) 120

Nolo contendere plea, prior conviction based on, admissible in criminal proceedings, not admissible in civil proceedings or as a plea to criminal charge

H. 117 (By Dean) 11

Bail, after conviction

H. 44 (By Maull) 27

Death sentences, appealed directly to Alabama Supreme Ct. bypassing ct. of criminal appeals, Secs. 12-3-9, 13A-5-53 am'd.

**MOTION TO ADOPT**

Representative Carter offered the motion to adopt the resolution, H.R. 379.

**AMENDMENT OFFERED**

Representative Hawk offered the following amendment to the resolution, H.R. 379:

Amend H.R. 379 on page 1 by adding after the word(s) Inst I.D. the following:

H. 269	p. 42
H. 270	p. 42
H. 271	p. 43
H. 272	p. 45

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 56; Nays 36.

Yea:

Mr. Speaker, Bandy, Black (L), Box, Boyd, Clark (W), Clouse, Crigler, Dean, Dukes, Fuller, Gaines, Gaston, Gipson, Guin, Hall (L), Hamilton, Hammett, Hawk, Hayden, Hilliard, Hogan, Holmes, Hooper, Jackson, Johnson (E), Jorgensen, Kennedy, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Parker (P), Parker (T), Penry, Pringle, Rogers (J), Sanderson, Seibenhener, Smith, Starkey, Thomas (J), Turner, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representatives Allen, Black (M), Burke, Buskey, Carns, Carothers, Curry, Dolbare, Drake, Flowers, Ford, Galliher, Graham, Hall (A), Haney, Hawkins, Hinshaw, Johnson (R), Laird, McKee, Millican, Morrow, Newton (C), Page, Papucci, Payne, Petelos, Reed, Robinson, Rogers (M), Sanderford, Sims, Spratt, Thomas (D), Townsend and White.

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**PERMISSION GRANTED**

Permission was granted for the Journal to reflect that Representative Carter intended to vote "Yea" on adoption of the amendment offered by Representative Hawk to the resolution, H.R. 379.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 67. Relating to insurance; to require that certain persons employed as insurance agents, service representatives, or brokers of insurance by insurers take continuing education courses; to establish standards for continuing education programs; to provide certain exceptions; to provide for an advisory committee to the commissioner of insurance relative to continuing education programs and other insurance matters; to provide for compliance form filing fees and late filing fees to be paid by agents, service representatives, and brokers, education course provider filing and renewal fees, and an education course or program approval filing fee, and that all of these fees be deposited in the State Treasury to the credit of a fund to be known as the "Insurance Agents and Brokers Continuing Education Fund," created by this act, from which the expenses of operating the Continuing Education Unit and regulatory purposes of the Agents' Licensing Division of the Department of Insurance shall be paid; to provide for appropriating those sums for expenses incurred by the unit; to provide for balances in the fund to carry forward the first fiscal year after the effective date of this act and thereafter to provide for a percentage of the unencumbered balances in the fund at the end of the fiscal year to revert to the State General Fund; and to specifically authorize the Commissioner of Insurance to conduct background investigations, to include criminal history inquiries, for all applicants for license as an insurance agent or a broker prior to the issuance of the license.

McDOWELL LEE  
Secretary

**H.R. 379 RESUMED**

**AMENDMENT OFFERED**

Representative Ford offered the following amendment to the resolution, H.R. 379, as amended:

Amend H.R. 379 on page 2, by adding after line 24 the following:

H. 578

**MOTION TO TABLE LOST**

The motion offered by Representative Hooper to table the amendment offered by Representative Ford to the resolution, H.R. 379, as amended, was lost.

1984

**JOURNAL OF THE HOUSE, 1996  
20th Day**

Yeas 37; Nays 43.

Yea:

Mr. Speaker, Burke, Carns, Carter, Collins, Dean, Flowers, Gaines, Hammett, Haney, Hawkins, Hinshaw, Hooper, Johnson (E), Johnson (R), Knight (A), Laird, McDaniel, McKee, McMillan, Moore, Newton (C), Papucci, Payne, Penry, Pringle, Rogers (M), Sanderson, Smith, Spratt, Thomas (D), Townsend, Turnham, Venable, Warren, White and Wren.

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Nay:

Representatives Black (L), Black (M), Box, Boyd, Buskey, Carothers, Clark (W), Clouse, Curry, Dolbare, Drake, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hawk, Hayden, Hill, Hilliard, Hogan, Holmes, Jackson, Kennedy, Lindsey, McAdory, Melton, Millican, Morrow, Murphree, Page, Reed, Rogers (J), Sanderford, Sims, Thomas (J), Turner, Vance and Willis.

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**PERMISSION GRANTED**

Permission was granted for the Journal to reflect that Representative Gaston inadvertently voted "Nay" and intended to vote "Yea" on the motion offered by Representative Hooper to table the amendment offered by Representative Ford to the resolution, H.R. 379, as amended.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 532. To provide for a salary increase for certain state employees and to appropriate funds therefor for the fiscal year beginning October 1, 1996.

**TOMMY CARTER**  
Chairman

And the bill, H. 532, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 119. To make a supplemental appropriation from the State General Fund in the amount of \$850,000 to the Child Advocacy Centers for the fiscal year ending September 30, 1996.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

**SIGNING OF HOUSE BILL**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**H.R. 379 RESUMED**

The question was then on the adoption of the amendment offered by Representative Ford to the resolution, H.R. 379, as amended, and the amendment was lost, lacking a three-fifths vote.

Yeas 49; Nays 42.

Yea:

Representatives Baker, Bandy, Black (L), Black (M), Box, Buskey, Carothers, Clark (W), Clouse, Curry, Dolbare, Drake, Ford, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hawk, Hayden, Hilliard, Hogan, Houston, Jackson, Kennedy, Lindsey, McAdory, McClammy, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Page, Petelos, Reed, Robinson, Sims, Spratt, Starkey, Thomas (J), Turner, Vance and Willis.

Nay:

Mr. Speaker, Allen, Burke, Carns, Carter, Collins, Crigler, Dean, Dukes, Flowers, Fuller, Gaines, Gaston, Hammett, Haney, Hawkins, Hill, Hinshaw, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, McDaniel, McKee, McMillan, Moore, Newton (C), Papucci, Parker (T), Payne, Penry, Pringle, Rogers (M), Sanderford, Sanderson, Smith, Thomas (D), Townsend, Venable, Warren and White.

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### **PERMISSION GRANTED**

Permission was granted for the Journal to reflect that Representative Vance inadvertently voted "Yea" and intended to vote "Nay" on the amendment offered by representative Ford to the resolution, H.R. 379, as amended.

### **PERMISSION GRANTED**

Permission was granted for the Journal to reflect that Representatives Allen, Papucci and Hinshaw inadvertently voted "Nay" and intended to vote "Yea" on the amendment offered by Representative Ford to the resolution, H.R. 379, as amended.

### **AMENDMENT OFFERED**

Representative Box offered the following amendment to the resolution, H.R. 379, as amended:

Amend H.R. 379 as follows:

On page 1 Before line 12 insert

"H. 859 (By Box)

P. 146"

### **AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 56; Nays 30.

**REGULAR SESSION  
20th Day**

1987

Yea:

Representatives Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Clark (W), Dolbare, Drake, Dukes, Ford, Fuller, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Kennedy, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Morrison, Morrow, Murphree, Newton (C), Page, Parker (T), Reed, Robinson, Rogers (J), Smith, Spratt, Starkey, Thomas (J), Vance, Venable, Warren and Willis.

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Nay:

Representatives Carns, Clouse, Curry, Dean, Flowers, Gaines, Gaston, Haney, Hawkins, Johnson (R), Jorgensen, Knight (A), McKee, McMillan, Moore, Morton, Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Turner and Wren.

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**RESOLUTION ADOPTED**

On motion of Representative Carter, the resolution, H.R. 379, as amended, was adopted.

Yeas 48; Nays 37.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Burke, Carter, Clark (W), Collins, Dukes, Fuller, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hawk, Hayden, Hilliard, Hogan, Houston, Jackson, Johnson (E), Kennedy, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Minnifield, Morrison, Morrow, Morton, Murphree, Parker (P), Parker (T), Reed, Robinson, Rogers (J), Smith, Starkey, Venable, Warren and Willis.

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Nay:

Representatives Allen, Carns, Clouse, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Gaines, Gaston, Haney, Hawkins, Hill, Hinshaw, Hooper, Johnson (R), Knight (A), Laird, McKee, McMillan, Millican, Moore, Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Turner and Wren.

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1988

JOURNAL OF THE HOUSE, 1996  
20th Day

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 368. COMMENDING EARLE F. WILSON, III, AS RECIPIENT OF THE DISTINGUISHED FOUNDRYMAN OF THE YEAR AWARD.

Also:

H.J.R. 369. COMMENDING MYRTLE C. KIZZIAH FOR PROFESSIONAL ACHIEVEMENTS.

Also:

H.J.R. 370. COMMENDING BILL GRAY FOR HIS LIFELONG SERVICE ON BEHALF OF THE ALABAMA INDEPENDENT INSURANCE AGENTS, INC., AND THE INDEPENDENT INSURANCE AGENTS OF AMERICA.

Also:

H.J.R. 372. COMMENDING JARRET LAYSON OF PICKENS ACADEMY.

McDOWELL LEE  
Secretary

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Joint Resolution:

S.J.R. 56. SUPPORTING THE ADOPTION OF THE "RIGHT TO KNOW" MANAGED HEALTH CARE PLAN DISCLOSURE.

McDOWELL LEE  
Secretary

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:



**REGULAR SESSION  
20th Day**

1989

H.J.R. 352. MOURNING THE DEATH OF STAFF SERGEANT ROBERT FARRINGTON, JR.

McDOWELL LEE  
Secretary

**SPECIAL ORDER CALENDAR**

The House then proceeded with the consideration of the Special Order Calendar.

**BUDGET ISOLATION RESOLUTION OFFERED**

Representative Hawk offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 269.

**MOTION TO CARRY OVER TABLED**

On motion of Representative Fuller, the motion offered by Representative Sims to carry over the bill, H. 269, and the pending Budget Isolation Resolution to the twenty-third legislative day was tabled.

Yeas 40; Nays 37.

Yea:

Mr. Speaker, Bandy, Black (L), Box, Boyd, Carter, Clark (W), Collins, Dukes, Fuller, Gaston, Gipson, Guin, Hall (L), Hawk, Hayden, Hill, Hilliard, Hogan, Hooper, Jackson, Jorgensen, Knight (J), Layson, Lindsey, Maull, McClammy, McDaniel, Mitchell, Morton, Murphree, Newton (C), Parker (P), Parker (T), Penry, Sanderson, Smith, Starkey, Vance and Warren.

-40

Nay:

Representatives Allen, Black (M), Burke, Carns, Carothers, Clouse, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Gaines, Hall (A), Haney, Hawkins, Hinshaw, Houston, Johnson (R), Knight (A), Laird, McAdory, McKee, McMillan, Millican, Morrison, Morrow, Page, Papucci, Payne, Petelos, Rogers (M), Sims, Thomas (D), Townsend, Turnham and White.

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1990

JOURNAL OF THE HOUSE, 1996  
20th Day

**BUDGET ISOLATION RESOLUTION LOST**

The question was then on the adoption of the Budget Isolation Resolution offered by Representative Hawk to the bill, H. 269, and the Budget Isolation Resolution was lost.

Yeas 41; Nays 49.

Yea:

Mr. Speaker, Bandy, Black (L), Box, Boyd, Carter, Clark (W), Dukes, Fuller, Galliher, Gaston, Gipson, Hall (L), Hawk, Hill, Hilliard, Hogan, Hooper, Houston, Jorgensen, Kennedy, Knight (J), Lindsey, Maul, McAdory, McClammy, McDaniel, Melton, Minnifield, Morton, Parker (P), Parker (T), Penry, Rogers (J), Sanderson, Seibenhener, Smith, Starkey, Vance, Venable and Warren.

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Nay:

Representatives Allen, Black (M), Burke, Buskey, Carns, Carothers, Clouse, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Gaines, Guin, Hall (A), Hammett, Haney, Hawkins, Hayden, Hinshaw, Jackson, Johnson (E), Johnson (R), Knight (A), Laird, Layson, McKee, McMillan, Millican, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Payne, Petelos, Reed, Robinson, Rogers (M), Sanderford, Sims, Spratt, Thomas (D), Thomas (J), Townsend, White and Willis.

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**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 368. COMMENDING EARLE F. WILSON, III, AS RECIPIENT OF THE DISTINGUISHED FOUNDRYMAN OF THE YEAR AWARD.

Also:

H.J.R. 369. COMMENDING MYRTLE C. KIZZIAH FOR PROFESSIONAL ACHIEVEMENTS.

**REGULAR SESSION  
20th Day**

1991

Also:

H.J.R. 370. COMMENDING BILL GRAY FOR HIS LIFELONG SERVICE ON BEHALF OF THE ALABAMA INDEPENDENT INSURANCE AGENTS, INC., AND THE INDEPENDENT INSURANCE AGENTS OF AMERICA.

Also:

H.J.R. 372. COMMENDING JARRET LAYSON OF PICKENS ACADEMY.

And finds same correctly enrolled.

**TOMMY CARTER**  
Chairman

**SIGNING OF HOUSE JOINT RESOLUTIONS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**SPECIAL ORDER CALENDAR RESUMED**

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Hawk, the Budget Isolation Resolution relating to the bill, H. 270, was adopted.

Yeas 53; Nays 29.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Burke, Carns, Carter, Collins, Dukes, Fuller, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jorgensen, Kennedy, Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Penry, Pringle, Rogers (J), Sanderson, Smith, Spratt, Warren and Willis.

Nay:

Representatives Buskey, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Gaines, Haney, Johnson (E), Johnson (R), Knight (A), Laird, McKee, Millican, Newton (C), Petelos, Reed, Rogers (M), Sanderford, Seibenhener, Thomas (D), Thomas (J), Townsend, White and Wren.

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### **H. 270 TEMPORARILY CARRIED OVER**

In accordance with House Rule 21, the bill, H. 270, was temporarily carried over at the request of Representative Hawk.

### **MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S.J.R. 56. SUPPORTING THE ADOPTION OF THE "RIGHT TO KNOW" MANAGED HEALTH CARE PLAN DISCLOSURE.

McDOWELL LEE  
Secretary

### **SIGNING OF SENATE JOINT RESOLUTION**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the foregoing Message from the Senate.

### **MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S.J.R. 89. COMMENDING THE SOUTH ALABAMA SKYWARN-ALABAMA EMERGENCY NET GOLF.

McDOWELL LEE  
Secretary

**SIGNING OF SENATE JOINT RESOLUTION**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the foregoing Message from the Senate.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 67. Relating to insurance; to require that certain persons employed as insurance agents, service representatives, or brokers of insurance by insurers take continuing education courses; to establish standards for continuing education programs; to provide certain exceptions; to provide for an advisory committee to the commissioner of insurance relative to continuing education programs and other insurance matters; to provide for compliance form filing fees and late filing fees to be paid by agents, service representatives, and brokers, education course provider filing and renewal fees, and an education course or program approval filing fee, and that all of these fees be deposited in the State Treasury to the credit of a fund to be known as the "Insurance Agents and Brokers Continuing Education Fund," created by this act, from which the expenses of operating the Continuing Education Unit and regulatory purposes of the Agents' Licensing Division of the Department of Insurance shall be paid; to provide for appropriating those sums for expenses incurred by the unit; to provide for balances in the fund to carry forward the first fiscal year after the effective date of this act and thereafter to provide for a percentage of the unencumbered balances in the fund at the end of the fiscal year to revert to the State General Fund; and to specifically authorize the Commissioner of Insurance to conduct background investigations, to include criminal history inquiries, for all applicants for license as an insurance agent or a broker prior to the issuance of the license.

McDOWELL LEE  
Secretary

**SIGNING OF SENATE BILL**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

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**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 350. Relating to Crenshaw County; to exempt Crenshaw Baptist Hospital from local sales and use taxes.

McDOWELL LEE  
Secretary

**SIGNING OF SENATE BILL**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

**SPECIAL ORDER CALENDAR RESUMED**

**BUDGET ISOLATION RESOLUTION OFFERED**

Representative Hawk offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 271.

**BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER**

In accordance with House Rule 21, the bill, H. 271, and the pending Budget Isolation Resolution were temporarily carried over at the request of Representative Hawk.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 336. COMMENDING FRANK L. KENDRICK ON THE OCCASION OF HIS 102ND BIRTHDAY.

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Also:

H.J.R. 339. COMMENDING OAKWOOD COLLEGE ON ITS 100TH ANNIVERSARY.

Also:

H.J.R. 342. MOURNING THE DEATH OF SECRETARY OF COMMERCE RON BROWN.

Also:

H.J.R. 343. HONORING SARAH E. HINES UPON HER RETIREMENT FROM THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

Also:

H.J.R. 347. COMMENDING CHRISTOPHER J. REICH AS DIRECTOR OF THE ANNISTON MUSEUM OF NATURAL HISTORY.

Also:

H.J.R. 349. COMMENDING DR. HARPER SHANNON FOR HIS FAITHFUL SERVICE TO THE GOSPEL MINISTRY.

Also:

H.J.R. 353. COMMENDING CHRISTOPHER BELL FOR HIS OUTSTANDING COMMUNITY SERVICES.

Also:

H.J.R. 354. MOURNING THE DEATH OF GERALD DUNN CRUMPTON OF MONTGOMERY, ALABAMA.

Also:

H.J.R. 376. COMMENDING TYSON FOODS OF ASHLAND, ALABAMA.

McDOWELL LEE  
Secretary

**SPECIAL ORDER CALENDAR RESUMED****BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER**

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 272, were temporarily carried over at the request of Representative Hawk.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Box, the Budget Isolation Resolution relating to the bill, H. 859, was adopted.

Yeas 64; Nays 33.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Collins, Dolbare, Drake, Dukes, Ford, Fuller, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Morrison, Morrow, Murphree, Newton (C), Page, Parker (P), Parker (T), Reed, Robinson, Rogers (J), Smith, Spratt, Starkey, Thomas (J), Vance, Venable and Warren.

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Nay:

Representatives Allen, Carns, Clouse, Crigler, Curry, Dean, Flowers, Gaines, Gaston, Haney, Hawkins, Hill, Hooper, Knight (A), Laird, McKee, McMillan, Moore, Morton, Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Turner and Wren.

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**MOTION TO ADJOURN LOST**

The motion offered by Representative Sanderson that the House adjourn until 9:00 o'clock a.m., Thursday, April 18, 1996, was lost.

Yeas 37; Nays 47.



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Yea:

Representatives Allen, Carns, Clouse, Crigler, Curry, Dean, Drake, Flowers, Gaines, Gaston, Hall (L), Haney, Hawkins, Hill, Hilliard, Holmes, Kennedy, Knight (A), Laird, McKee, Moore, Morton, Papucci, Payne, Penry, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Turnham, Vance, Willis and Wren.

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Nay:

Mr. Speaker, Baker, Black (L), Black (M), Box, Burke, Carothers, Collins, Dolbare, Dukes, Ford, Fuller, Galliher, Gipson, Graham, Guin, Hamilton, Hammett, Hawk, Hayden, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Knight (J), Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Murphree, Newton (C), Page, Parker (P), Parker (T), Reed, Rogers (J), Smith, Spratt, Starkey, Venable and Warren.

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**RESOLUTIONS**

The following resolutions were introduced:

By Representatives Rogers (J) and Ford:

H.J.R. 380. DESIGNATING THE GENE BARTOW ARENA.

The resolution, H.J.R. 380, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hammett:

H.J.R. 381. AMENDING THE JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA

The resolution, H.J.R. 381, was read and referred to the Standing Committee on Rules.

Also:

By Representatives White, Sanderford and Hilliard:

H.J.R. 382. COMMENDING OFFICER JAMES DARRELL HOLT OF THE ALABAMA DEPARTMENT OF CORRECTIONS AS RECIPIENT OF THE 1996 ALABAMA LEGISLATIVE LAW ENFORCEMENT MEDAL OF HONOR.

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The resolution, H.J.R. 382, was read and referred to the Standing Committee on Rules.

Also:

By Representatives White, Sanderford and Hilliard:

H.J.R. 383. RECOGNIZING AGENT JOHN ALLEN CRAWFORD FOR DISTINGUISHED SERVICE OF VALOR.

The resolution, H.J.R. 383, was read and referred to the Standing Committee on Rules.

Also:

By Representatives White, Sanderford and Hilliard:

H.J.R. 384. RECOGNIZING AGENTS JOHN GUTHRIE AND ROBERT THORNTON FOR DISTINGUISHED SERVICE OF VALOR.

The resolution, H.J.R. 384, was read and referred to the Standing Committee on Rules.

Also:

By Representatives White, Sanderford and Hilliard:

H.J.R. 385. RECOGNIZING DEPUTY KEITH COOK OF THE HOUSTON COUNTY ALABAMA SHERIFF'S DEPARTMENT FOR DISTINGUISHED SERVICE OF VALOR.

The resolution, H.J.R. 385, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Hammett, White, Sanderford and Hilliard:

H.J.R. 386. RECOGNIZING CHIEF DEPUTY LEO BEDSOLE, JR., OF THE COVINGTON COUNTY SHERIFF'S DEPARTMENT FOR DISTINGUISHED SERVICE OF VALOR.

The resolution, H.J.R. 386, was read and referred to the Standing Committee on Rules.

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Also:

By Representative Crigler:

H.J.R. 387. RECOGNIZING FIRST BAPTIST CHURCH OF GRAND BAY, ALABAMA, ON ITS 100 YEARS OF CHRISTIAN SERVICE TO THE COMMUNITY.

The resolution, H.J.R. 387, was read and referred to the Standing Committee on Rules.

Also:

By Representative Carter:

H.J.R. 388. URGING THE STATE BOARD OF EDUCATION TO PROVIDE MANDATORY DEDICATED TIME TO THE TEACHING OF MILITARY HISTORY, PATRIOTISM, AND PROPER RESPECT FOR OUR FLAG.

The resolution, H.J.R. 388, was read and referred to the Standing Committee on Rules.

Also:

By Representative Crigler:

H.J.R. 389. HONORING JIM WALKER FOR HIS OUTSTANDING CONTRIBUTIONS.

The resolution, H.J.R. 389, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Crigler:

H.R. 390. COMMENDING JULIA DODD FOR HER HEROIC EFFORTS.

Also:

By Representative Crigler:

H.R. 391. COMMENDING KATHERINE TURNER FOR HER HEROIC EFFORTS.

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Also:

By Representative Jackson:

H.R. 392. MOURNING THE DEATH OF JIMMY DEAN HAFERKAMP.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Biddle, Waggoner, and Amari:

S.J.R. 94. COMMENDING ROBERT A. COTHREN ON HIS DISTINGUISHED PROFESSIONAL CAREER.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The resolution, S.J.R. 94, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Windom:

S.J.R. 95. PERMANENTLY DESIGNATING EACH WEDNESDAY OF LAW WEEK AS LEGAL ASSISTANT AND PARALEGAL DAY IN ALABAMA.

McDOWELL LEE  
Secretary

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**SENATE MESSAGE**

The resolution, S.J.R. 95, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Windom:

S.J.R. 96. COMMEMORATING THE LIFE OF CHARLES RAY SWEAT.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The resolution, S.J.R. 96, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Windom:

S.J.R. 97. COMMENDING JACK E. RAVAN FOR HIS OUTSTANDING CONTRIBUTIONS TO THE STATE OF ALABAMA.

McDOWELL LEE  
Secretary

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**SENATE MESSAGE**

The resolution, S.J.R. 97, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Little:

S.J.R. 91. MOURNING THE DEATH OF MARTHA ANN MARDRE SCOTT OF OPELIKA, ALABAMA.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The resolution, S.J.R. 91, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Little:

S.J.R. 92. MOURNING THE DEATH OF WILLIAM H. TAYLOR.

McDOWELL LEE  
Secretary

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**SENATE MESSAGE**

The resolution, S.J.R. 92, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Little, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 93. MOURNING THE DEATH OF GERALD DUNN CRUMPTON OF MONTGOMERY, ALABAMA.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The resolution, S.J.R. 93, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Bailey:

S.J.R. 90. MOURNING THE DEATH OF JACK BISHOP OF SLOUGH, BERKS, ENGLAND.

McDOWELL LEE  
Secretary

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**SENATE MESSAGE**

The resolution, S.J.R. 90, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Clay:

S. 580. To propose the creation of the Tuskegee Airmen Commission; to provide for the membership, powers, and duties of the commission; to provide penalties for violations; and for other purposes.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 580. State Administration.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Dixon, Armistead, and Waggoner:

S. 95. To exempt Resurrection Catholic Missions from the payment of all state, county, and municipal sales and use taxes.

McDOWELL LEE  
Secretary



**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 95.                   Ways and Means.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 336. COMMENDING FRANK L. KENDRICK ON THE OCCASION OF HIS 102ND BIRTHDAY.

Also:

H.J.R. 339. COMMENDING OAKWOOD COLLEGE ON ITS 100TH ANNIVERSARY.

Also:

H.J.R. 342. MOURNING THE DEATH OF SECRETARY OF COMMERCE RON BROWN.

Also:

H.J.R. 343. HONORING SARAH E. HINES UPON HER RETIREMENT FROM THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

Also:

H.J.R. 347. COMMENDING CHRISTOPHER J. REICH AS DIRECTOR OF THE ANNISTON MUSEUM OF NATURAL HISTORY.

Also:

H.J.R. 349. COMMENDING DR. HARPER SHANNON FOR HIS FAITHFUL SERVICE TO THE GOSPEL MINISTRY.

Also:

H.J.R. 353. COMMENDING CHRISTOPHER BELL FOR HIS OUTSTANDING COMMUNITY SERVICES.

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Also:

H.J.R. 354. MOURNING THE DEATH OF GERALD DUNN CRUMPTON OF MONTGOMERY, ALABAMA.

Also:

H.J.R. 376. COMMENDING TYSON FOODS OF ASHLAND, ALABAMA.

And finds same correctly enrolled.

**TOMMY CARTER**  
Chairman

**SIGNING OF HOUSE JOINT RESOLUTIONS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 352. MOURNING THE DEATH OF STAFF SERGEANT ROBERT FARRINGTON, JR.

And finds same correctly enrolled.

**TOMMY CARTER**  
Chairman

**SIGNING OF HOUSE JOINT RESOLUTION**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

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**RESOLUTIONS**

The following resolutions were introduced:

By Representative Clark (W):

H.J.R. 393. DESIGNATING MAY 4, 1996, AS SAMUEL JENKINS, SR., DAY.

The resolution, H.J.R. 393, was read and referred to the Standing Committee on Rules.

Also:

By Representative Clark (W):

H.R. 394. DESIGNATING MAY 4, 1996, AS SAMUEL JENKINS, SR., DAY.

The resolution, H.R. 394, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Melton, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.J.R. 395. COMMENDING SHELTON STATE PRESIDENT DR. THOMAS E. UMPHREY AS RECIPIENT OF THE 1995 NATIONAL PACESETTER AWARD.

The resolution, H.J.R. 395, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Morrison and Turnham:

H.J.R. 396. COMMENDING CORENE NICHOLS PHILLIPS OF CENTER, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

The resolution, H.J.R. 396, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Turnham:

H.R. 397. MOURNING THE DEATH OF WILLIAM H. TAYLOR.

### **MOTION TO ADJOURN LOST**

The motion offered by Representative Rogers (J) that the House adjourn until 9:00 o'clock a.m., Thursday, April 18, 1996, was lost.

Yeas 38; Nays 52.

Yea:

Representatives Allen, Clouse, Crigler, Curry, Dean, Flowers, Gaines, Gaston, Hamilton, Haney, Hawkins, Hill, Holmes, Johnson (E), Jorgensen, Knight (A), Laird, Layson, McAdory, McKee, McMillan, Moore, Morton, Papucci, Payne, Penry, Petelos, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Thomas (D), Townsend, Turner, Turnham and Wren.

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Nay:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carothers, Carter, Clark (W), Collins, Dolbare, Drake, Dukes, Fuller, Galliher, Gipson, Graham, Guin, Hall (A), Hammett, Hawk, Hayden, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Kennedy, Knight (J), Lindsey, Maull, McClammy, McDaniel, Millican, Mitchell, Morrison, Morrow, Murphree, Newton (C), Page, Parker (T), Reed, Rogers (J), Smith, Starkey, Thomas (J), Vance, Venable, Warren and Willis.

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**H. 859 TAKEN UP**

And the bill:

H. 859. (With Substitute): To provide for the election of certain circuit judgeships.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Constitution and Elections to the bill, H. 859, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for the election of certain circuit judgeships.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature hereby finds all of the following:

(1) Section 6.14 of Amendment No. 328 to the Constitution of Alabama of 1901, provides in part that "Vacancies in any judicial office shall be filled by appointment by the Governor...." The amendment further defines when an office is vacant as follows: "The office of a judge shall be vacant if he dies, resigns, retires, or is removed."

(2) Additional circuit judgeships were created by Act No. 90-539, 1990 Regular Session, and Act No. 91-640, 1991 Regular Session. These judicial positions were never filled and therefore a vacancy, as defined pursuant to Section 6.14 of Amendment No. 328, could not have occurred. A judge must exist in order to die, resign, retire, or be removed. Under the provisions of Section 6.14 of Amendment No. 328, a vacancy can occur only after the judgeship is filled. Since a vacancy could not have occurred, the additional judgeships cited herein are not controlled by Section 6.14 of Amendment No. 328 and if that section is not applicable, the Legislature has the authority to require that the positions be elected at the next election. This conclusion is supported by Attorney General Opinion No. 96-00162 which states in part that "... the filling of a vacancy in a judgeship where no election was held for that position is not specifically enumerated in this provision..." (Sec. 6.14). The additional judgeships created by the aforementioned acts must be filled pursuant to the laws that established the positions and that is, by election. If after the office is filled and the office becomes vacant due to the death, resignation, retirement, or removal of the judge, then the provisions of Section 6.14 of Amendment No. 328 shall be applicable.

(3) It is the intent of this section to clarify the legislative purpose behind the enactment of the aforementioned acts and Amendment No. 328 to the Constitution of Alabama of 1901.

Section 2. Notwithstanding any other provision of law to the contrary, specifically Title 17 of the Code of Alabama 1975, and Act No. 90-539, 1990 Regular Session, and Act No. 91-640, 1991 Regular Session, an election shall be held for the office of the additional circuit judgeship created pursuant to Act No. 90-539, 1990 Regular Session, for the 20th Judicial Circuit, consisting of Henry and Houston Counties, for the office of the additional circuit judgeship created pursuant to Act No. 91-640, 1991 Regular Session, for the 10th Judicial Circuit, Bessemer Cut-off Division in Jefferson County, and for the office of the additional circuit judgeship created pursuant to Act No. 91-640, 1991 Regular Session, for the 15th Judicial Circuit, consisting of Montgomery County. The election shall be held on the date of the June 1996 primary election in the aforementioned counties. If necessary, a run-off election shall be held on the date of the June 1996 run-off election. Judges shall be elected at the 1996 general election. The qualifying dates for the office shall begin on the date this act receives preclearance from the United States Department of Justice and shall end seven days after that date. The term of office of the circuit judges shall be six years; provided, however, the judges initially elected pursuant to this act shall serve until the date of the 2002 general election.

Section 3. If this act is not precleared by the United States Department of Justice in time for names of candidates to be included in the June 1996 primary election, this act shall be null and void.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### **MOTION IN WRITING OFFERED**

Representative Dolbare offered the following Motion in Writing relating to the bill, H. 859:

I move the previous question.

#### **MOTION IN WRITING LOST**

And the Motion in Writing was lost, lacking a three-fifths vote.

Yeas 47; Nays 36.

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2011

Yea:

Representatives Bandy, Black (L), Black (M), Box, Boyd, Burke, Carothers, Collins, Dolbare, Drake, Dukes, Galliher, Gipson, Guin, Hammett, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Layson, Lindsey, Maull, McAdory, McDaniel, Melton, Millican, Morrison, Morrow, Murphree, Newton (C), Page, Parker (P), Parker (T), Smith, Spratt, Starkey, Thomas (J), Turnham, Vance, Venable and Warren.

-47

Nay:

Representatives Allen, Baker, Carns, Clouse, Crigler, Curry, Dean, Flowers, Fuller, Gaines, Gaston, Graham, Haney, Hawkins, Hill, Knight (A), Laird, McKee, McMillan, Mitchell, Moore, Morton, Papucci, Payne, Penry, Petelos, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Turner and Wren.

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**REPORT FILED**

The Report of the Joint Interim Committee on Agriculture was submitted by the Chairman, Senator Hap Myers, to the Alabama Legislature of 1996, and the report was ordered filed.

**H. 859 RESUMED**

**MOTION TO CARRY OVER TABLED**

On motion of Representative Box, the motion offered by Representative Wren to carry over the bill, H. 859, and the pending substitute reported by the Standing Committee on Constitution and Elections to the twenty-first legislative day was tabled.

Yeas 52; Nays 35.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Collins, Dolbare, Drake, Fuller, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hayden, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Kennedy, Knight (J), Lindsey, Maull, McClammy, McDaniel, Melton, Millican, Mitchell, Morrow, Murphree, Page, Parker (P), Reed, Robinson, Rogers (J), Smith, Spratt, Starkey, Thomas (J), Turnham, Vance and Warren.

-52

Nay:

Representatives Allen, Carns, Clouse, Crigler, Curry, Dean, Flowers, Gaines, Gaston, Haney, Hawkins, Hill, Johnson (E), Jorgensen, Knight (A), Laird, McAdory, McKee, McMillan, Moore, Morton, Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Turner and Wren.

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### **MOTION TO ADJOURN LOST**

The motion offered by Representative Holmes that the House adjourn until 9:00 o'clock a.m., Thursday, April 18, 1996, was lost.

Yeas 35; Nays 51.

Yea:

Representatives Allen, Clouse, Crigler, Curry, Dean, Drake, Gaines, Gaston, Hall (A), Haney, Hawkins, Holmes, Johnson (E), Knight (A), Laird, Layson, Maull, McKee, McMillan, Moore, Morton, Papucci, Payne, Penry, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Turner and Wren.

-35

Nay:

Mr. Speaker, Black (L), Black (M), Box, Burke, Carothers, Clark (W), Collins, Dolbare, Dukes, Flowers, Galliher, Gipson, Graham, Guin, Hall (L), Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Knight (J), Lindsey, McAdory, McClammy, McDaniel, Melton, Millican, Mitchell, Morrison, Morrow, Murphree, Newton (C), Page, Parker (P), Parker (T), Reed, Rogers (J), Smith, Spratt, Starkey, Thomas (J), Turnham, Vance, Venable, Warren and White.

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### **MOTION IN WRITING OFFERED**

Representative Carothers offered the following Motion in Writing relating to the bill, H. 859:

I move the previous question.



**MOTION IN WRITING ADOPTED**

And the Motion in Writing was adopted.

Yeas 51; Nays 34.

Yea:

Representatives Black (L), Black (M), Box, Burke, Carothers, Collins, Dolbare, Drake, Dukes, Flowers, Galliher, Gipson, Graham, Guin, Hall (A), Hammett, Hayden, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Knight (J), Lindsey, Maull, McAdory, McDaniel, Melton, Millican, Minnifield, Morrison, Morrow, Murphree, Newton (C), Page, Parker (P), Parker (T), Perdue, Robinson, Rogers (J), Smith, Spratt, Starkey, Thomas (J), Turnham, Vance, Venable, Warren and White.

-51

Nay:

Representatives Allen, Carns, Clouse, Crigler, Curry, Dean, Gaines, Gaston, Hall (L), Haney, Hawkins, Hill, Jorgensen, Knight (A), Laird, McKee, McMillan, Moore, Morton, Papucci, Payne, Penry, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Turner and Wren.

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**SUBSTITUTE ADOPTED**

The question was then on the adoption of the substitute reported by the Standing Committee on Constitution and Elections to the bill, H. 859, and the substitute was adopted.

Yeas 58; Nays 34.

Yea:

Representatives Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Collins, Dolbare, Drake, Fuller, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hayden, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Morrison, Morrow, Murphree, Newton (C), Page, Parker (P), Parker (T), Reed, Robinson, Rogers (J), Smith, Spratt, Starkey, Thomas (J), Turnham, Vance, Venable, Warren and White.

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2014

JOURNAL OF THE HOUSE, 1996  
20th Day

Nay:

Representatives Allen, Carns, Clouse, Crigler, Curry, Dean, Flowers, Gaines, Gaston, Haney, Hawkins, Hill, Jorgensen, Knight (A), Laird, Layson, McKee, McMillan, Moore, Morton, Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Turner and Wren.

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And the bill:

H. 859. To provide for the election of certain circuit judgeships.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 65; Nays 34.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Collins, Dolbare, Drake, Dukes, Fuller, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Murphree, Newton (C), Page, Parker (P), Parker (T), Reed, Robinson, Rogers (J), Smith, Spratt, Starkey, Thomas (J), Turnham, Vance, Venable, Warren, White and Willis.

-65

Nay:

Representatives Allen, Carns, Clouse, Crigler, Curry, Dean, Flowers, Gaines, Gaston, Haney, Hawkins, Hill, Jorgensen, Knight (A), Laird, Layson, McKee, McMillan, Moore, Morton, Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Turner and Wren.

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**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has non-concurred in the House amendment to the Bill:

**REGULAR SESSION  
20th Day**

2015

S. 182. To amend Section 32-5A-191 of the Code of Alabama 1975, as amended by Act No. 95-784, S. 338, 1995 Regular Session (Acts 1995, p. 1862), relating to driving under the influence of alcohol and drugs; to prohibit the operation of a motor vehicle by a person who is under the legal drinking age and has .02 percent or more by weight of alcohol in his or her blood.

and requests a Committee on Conference.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Ghee, Smitherman, and Bailey.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

On motion of Representative Fuller, the House acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 182.

Yeas 88; Nays 5.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

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Nay:

Representatives Gaines, Knight (A), Petelos, Sanderson and Sims.

**COMMITTEE ON CONFERENCE APPOINTED**

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Fuller, Jackson and Morton on the disagreement of the two Houses on the House amendment to the bill, S. 182.

**MOTION TO ADJOURN LOST**

The motion offered by Representative Sims that the House adjourn until 9:00 o'clock a.m., Thursday, April 18, 1996, was lost.

Yeas 19; Nays 71.

Yea:

Representatives Black (L), Crigler, Curry, Drake, Ford, Hamilton, Hawkins, Hooper, Knight (A), Laird, Layson, McKee, Newton (D), Rogers (M), Sanderford, Sims, Starkey, Thomas (D) and Turner.

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Nay:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (J), Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Pringle, Reed, Robinson, Sanderson, Smith, Spratt, Thomas (J), Turnham, Vance, Venable, Warren and White.

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**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

REGULAR SESSION  
20th Day

2017

S. 208. To amend Section 32-5A-191 and Section 32-5A-194 of the Code of Alabama 1975, as amended by Act No. 95-784 S. 338, 1995 Regular Session (Acts 1995, p. 1862), relating to driving under the influence of alcohol and drugs; to prohibit the operation of a motor vehicle by a school bus or day care driver while in performance of their duties with greater than .02 percentage or more by weight of alcohol in his or her blood; to provide penalties; and to provide for the approval of permits by the Department of Forensic Sciences.

said Governor's Message being in words and figures as follows, to-wit:

**MESSAGE FROM THE GOVERNOR**

To The Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Lady and Gentlemen:

I transmit herewith to you a message from the Governor, returning Senate Bill No. 208, without the Governor's signature but with the following Executive Amendment.

Done this 16 day of April, 1996.

Respectfully submitted,

WILLIAM P. GRAY  
Legal Advisor to the Governor

**MESSAGE FROM THE GOVERNOR**

To The Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Lady and Gentlemen:

I am returning to you, the body in which it originated, Senate Bill No. 208, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO SENATE BILL NUMBER 208:

Please amend the title of Senate Bill Number 208 on page 1, line 20, in the Title, by inserting after the word "blood;" the following language: "to provide that fines collected for violations resulting from arrests by county or municipal officers shall be disbursed as provided by law;"

Further amend on page 5, line 25 through page 7, line 3, by striking section "j" in its entirety and substituting in lieu thereof the following:

"(j) Except for fines collected for violations of this section charged pursuant to a municipal ordinance, fines collected for violations of this section shall be deposited to the State General Fund; however, beginning October 1, 1995, of any amount collected over two hundred fifty dollars (\$250) for a first conviction, over five hundred dollars (\$500) for a second conviction within five years, over one thousand dollars (\$1,000) for a third conviction within five years, and over two thousand dollars (\$2,000) for a fourth or subsequent conviction within five years, the first one hundred dollars (\$100) of that additional amount shall be deposited to the Alabama Chemical Testing Training and Equipment Trust Fund, after three percent of the one hundred dollars (\$100) is deducted for administrative costs, and the remainder shall be deposited to the State General Fund. Fines collected for violations of this section charged pursuant to a municipal ordinance shall be deposited as follows: the first two hundred fifty dollars (\$250) collected for a first conviction, the first five hundred dollars (\$500) collected for a second conviction within five years, the first one thousand dollars (\$1,000) collected for a third conviction within five years, and the first two thousand dollars (\$2,000) collected for a fourth or subsequent conviction within five years shall be deposited to the state treasury with the first one hundred dollars (\$100) collected for each conviction credited to the Alabama Chemical Testing Training and Equipment Trust Fund and the balance credited to the State General Fund. Any amounts collected over these amounts shall be deposited as otherwise provided by law."

Further amend on page 11, line 20 continuing through page 12, line 1, by striking Section 3 in its entirety, and by substituting in lieu thereof the following:

"Section 3. The distribution provided for fines collected for violations of this act charged pursuant to a municipal ordinance provided in Section 1 (j) of this act shall become effective the first day of the second month following its becoming a law. All other portions of this act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

**REGULAR SESSION**  
**20th Day**

2019

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done on this the 16th day of April, 1996.

Respectfully,

FOB JAMES, JR.  
Governor

And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, SB 208, by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 24, Nays 0.

And said Bill, SB 208, together with the Executive amendment, is herewith sent to the House for its consideration.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

On motion of Representative Fuller, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, S. 208, said Governor's amendment being set out in the foregoing Message from the Senate.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has non-concurred in the House amendment to the Bill:

S. 76. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Heating and Air Conditioning Contractors with certain modifications; to amend Section 34-31-20, Code of Alabama 1975, so as to provide minority representation on the board.

and requests a Committee on Conference.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Bailey, Smitherman, and Hale.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

On motion of Representative Box, the House acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 76.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren and Willis.



**REGULAR SESSION**  
**20th Day**

2021

**COMMITTEE ON CONFERENCE APPOINTED**

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Box, Sanderford and Mitchell on the disagreement of the two Houses on the House amendment to the bill, S. 76.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has non-concurred in the House amendment to the Bill:

S. 83. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Pilotage Commission with certain modifications; to amend Section 33-4-3, Code of Alabama 1975, so as to provide that commissioners after a specified date shall be confirmed by the Senate.

and requests a Committee on Conference.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Windom, Myers, and Figures.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

On motion of Representative Box, the House acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 83.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull,

McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

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### **COMMITTEE ON CONFERENCE APPOINTED**

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Box, Buskey and Sanderford on the disagreement of the two Houses on the House amendment to the bill, S. 83.

### **MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has non-concurred in the House amendment to the Bill:

S. 84. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Plumbers and Gas Fitters Examining Board with certain modifications; to amend Section 34-37-3, Code of Alabama 1975, so as to provide minority representation on the board.

and requests a Committee on Conference.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Smitherman, Bailey, and Hale.

McDOWELL LEE  
Secretary

### **SENATE MESSAGE**

On motion of Representative Box, the House acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 84.

**REGULAR SESSION  
20th Day**

**2023**

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable and Warren.

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**COMMITTEE ON CONFERENCE APPOINTED**

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Box, Sanderford and Mitchell on the disagreement of the two Houses on the House amendment to the bill, S. 84.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has non-concurred in the House amendment to the Bill:

S. 92. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Securities Commission with certain modifications; to amend Section 8-6-51, Code of Alabama 1975, so as to provide minority representation on the commission.

and requests a Committee on Conference.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Bailey, Hale, and Smitherman.

**McDOWELL LEE**  
Secretary

**SENATE MESSAGE**

On motion of Representative Box, the House acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 92.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable and Warren.

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**COMMITTEE ON CONFERENCE APPOINTED**

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Box, Mitchell and Sanderford on the disagreement of the two Houses on the House amendment to the bill, S. 92.

**RESOLUTIONS**

The following resolutions were introduced:

By Representative Baker:

H.J.R. 398. COMMENDING THE ABBEVILLE HIGH SCHOOL BASKETBALL TEAM ON ITS 4-A STATE BASKETBALL CHAMPIONSHIP.

The resolution, H.J.R. 398, was read and referred to the Standing Committee on Rules.

**REGULAR SESSION  
20th Day**

2025

Also:

By Representative Baker:

H.J.R. 399. COMMENDING ABBEVILLE CHRISTIAN ACADEMY, 1996 AISA STATE CLASS 2A BASKETBALL CHAMPIONS.

The resolution, H.J.R. 399, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Baker:

H.R. 400. COMMENDING THE ABBEVILLE HIGH SCHOOL BASKETBALL TEAM ON ITS 4-A STATE BASKETBALL CHAMPIONSHIP.

Also:

By Representative Baker:

H.R. 401. COMMENDING ABBEVILLE CHRISTIAN ACADEMY, 1996 AISA STATE CLASS 2A BASKETBALL CHAMPIONS.

**SPECIAL ORDER CALENDAR RESUMED**

**BUDGET ISOLATION RESOLUTION OFFERED**

Representative Knight (A) offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 465.

**CERTIFICATE OF CLERK**

To the House of Representatives:

I hereby certify that the House Bill and House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 3:00 P.M. on April 16, 1996.

Delivered to the Governor at 3:47 P.M. on April 16, 1996.

H.J.R. 368

H.J.R. 369

H.J.R. 370

H.J.R. 372

Delivered to the Governor at 4:47 P.M. on April 16, 1996.

H.J.R. 352

H.J.R. 347

H.J.R. 336

H.J.R. 349

H.J.R. 339

H.J.R. 353

H.J.R. 342

H.J.R. 354

H.J.R. 343

H.J.R. 376

GREG PAPPAS  
Clerk

### ADJOURNMENT

On motion of Representative Morrison, the House adjourned until 9:00 o'clock a.m., Thursday, April 18, 1996.

Yeas 51; Nays 38.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Boyd, Buskey, Carothers, Clark (W), Crigler, Fuller, Galliher, Graham, Guin, Hamilton, Haney, Hawkins, Hayden, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, Melton, Millican, Morrison, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Reed, Rogers (J), Sanderford, Smith, Spratt, Thomas (J), Vance, Warren, White and Willis.

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Nay:

Mr. Speaker, Baker, Box, Burke, Carns, Clouse, Collins, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Hammett, Hill, Hilliard, Hinshaw, Knight (A), McDaniel, McKee, McMillan, Minnifield, Mitchell, Moore, Murphree, Papucci, Payne, Penry, Pringle, Rogers (M), Sanderson, Seibenhener, Thomas (D), Townsend, Turner, Turnham, Venable and Wren.

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**REGULAR SESSION  
21st Day**

2027

**TWENTY-FIRST DAY**

**House of Representatives  
Montgomery, Alabama  
Thursday, April 18, 1996**

The House met pursuant to adjournment.

**PRAYER**

The session was opened with prayer by Reverend Mike Hall, Valley View Baptist Church, Tuscaloosa, Alabama.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Emily Wood, 10th Grade, and Laura Wood, 9th Grade, Prattville Home School, Prattville, Alabama.

**ROLL CALL**

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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A quorum was present.

**REPORT OF STANDING COMMITTEE ON RULES**

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twentieth legislative day and finds the same to be correct.

TOMMY CARTER  
Chairman

On motion of Representative Ford, the reading at length of the Journal of the House for the twentieth legislative day was dispensed with.

**MOTION TO RECESS ADOPTED**

The motion offered by Representative Hammett that the House recess from 12:00 o'clock Noon until 1:00 o'clock p.m. was adopted.

**MOTION TO ADJOURN ADOPTED**

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 1:00 o'clock p.m. on Tuesday, April 23, 1996, and when the House adjourns on Tuesday, April 23, 1996, it adjourns to meet again at 10:00 o'clock a.m. on Wednesday, April 24, 1996, and when the House adjourns on Wednesday, April 24, 1996, it adjourns to meet again at 9:00 o'clock a.m. on Thursday, April 25, 1996, and the motion was adopted.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 859. To provide for the election of certain circuit judgeships.

TOMMY CARTER  
Chairman

And the bill, H. 859, as engrossed, was ordered sent to the Senate.



**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 388. URGING THE STATE BOARD OF EDUCATION TO PROVIDE MANDATORY DEDICATED TIME TO THE TEACHING OF MILITARY HISTORY, PATRIOTISM, AND PROPER RESPECT FOR OUR FLAG.**

WHEREAS, Alabama veterans have shown steadfast dedication and undisputed loyalty to our country and have made incalculable sacrifices in service to America; and

WHEREAS, these veterans have given their all during several wars to keep our country free; and

WHEREAS, Alabama has lost over 7,000 of her sons and daughters to freedom's cause; and

WHEREAS, many veterans are still paying the terrible price for those wars so long ago; many live each day with pain and disability; and

WHEREAS, veterans all over our great state are appalled at the growing disrespect for our Flag; and

WHEREAS, we urge a mandatory reinstitution by the State Board of Education for a dedicated time in the core curriculum to teach this most important lesson of the sacrifices for freedom; and

WHEREAS, the veterans desire to see reverence and pride restored to our Flag, and the pride of patriotism towards those who paid the ultimate price with their life, so that they will be assured that their sacrifices were not in vain; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the State Board of Education in conjunction with a veterans committee made up of representatives from Alabama's veterans organizations, shall institute these changes into the core curriculum in our schools, teaching military history, patriotism, and proper respect for our Flag, and devoting a full chapter to each of the wars in the 20th century in which the United States has been involved, and providing dedicated time in the core curriculum to teach patriotism and proper respect for and history of our Flag (Old Glory).

**BE IT FURTHER RESOLVED,** That copies of this resolution be sent by the Clerk of the House of Representatives to the State Superintendent of Education, and to each member of the State Board of Education, and each county superintendent of education.

On motion of Representative Ford, the resolution, H.J.R. 388, was adopted.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 389. HONORING JIM WALKER FOR HIS OUTSTANDING CONTRIBUTIONS.**

WHEREAS, Jim Walker is a prominent businessman in the Mobile area who is to be most highly commended for his longtime involvement in civic and community affairs; and

WHEREAS, president of the AWC Alabama, Inc., Mr. Walker received his B.S. degree in 1965, attended Computer Science Technical School in 1967, and was employed with Crosby Valve and Gauge in Houston, Texas, for two years, and Tech Controls, Inc., in Pasadena, Texas, for nine years; and

WHEREAS, currently active as an instructor with Dale Carnegie Sales and Power Squadron, Mr. Walker is an exemplar of extraordinary leadership ability in numerous organizations, including 1996 Chairman of ILDA National Lab Organization and Treasurer from 1994 to 1995, a Dale Carnegie Sales Course Instructor, Public Boating course chairman, past President of the Mobile AIPE, as Vice President of the Mobile Boy Scouts of America, and as a youth football coach; and

WHEREAS, Mr. Walker has worked tirelessly with unselfish devotion on behalf of his employees, and has always kept himself available and accessible to the people he serves; and

WHEREAS, a beloved member of the community, Mr. Walker's interests include fishing, flying, and scuba diving as his favorite pastimes; and

WHEREAS, married to his lovely wife, Barbara McKinney from Dallas, Texas, for 28 years, and the proud father of two beautiful daughters, Kimberly Anne and Courtney "Killer" Elizabeth, Jim Walker has indeed earned the respect of his family and countless friends; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we commend Jim Walker on the accomplishments of his career, and the magnitude of his community service, and direct that he receive a copy of this resolution of highest esteem.

On motion of Representative Ford, the resolution, H.J.R. 389, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 393. DESIGNATING MAY 4, 1996, AS SAMUEL JENKINS, SR., DAY.

WHEREAS, Samuel Jenkins, Sr., son of Amelia and John Wesley Jenkins, was born on May 4, 1926, and was reared and educated in Loxley, Alabama; and

WHEREAS, Mr. Jenkins, during his years of active employment, served as a Rural Employment Specialist with the Alabama State Employment Service, and as a ship supervisor with Del Monte Banana Company; and

WHEREAS, he also ably served as a trustee for the Mobile Steamship Association, and as president of the Banana Handlers Local #1516 for 13 years; and

WHEREAS, Mr. Jenkins has worked equally as hard in service to the State of Alabama and Baldwin County Commission, serving as Commissioner for District One for two terms since 1989, and has provided invaluable leadership toward the county's financial well-being; and

WHEREAS, listing approximately 26 roads or streets that have been paved in his district during his tenure in office, Mr. Jenkins also has been instrumental in four new bridges being replaced, and over 30 miles of road resurfaced; and

WHEREAS, he has facilitated home loans, community improvement projects, and has enhanced the quality of life for District One residents; and

WHEREAS, Mr. Jenkins' numerous other achievements include the Baldwin County Land Management Committee's efforts to develop parks, restore and preserve historical areas and sites, and to make the county's water accessible to the public; and

WHEREAS, a representative for the M.S.A. Retirees' Pension Plan, Mr. Jenkins also serves as co-chairman of the Board of Trustees, and is a lifetime member of Mt. Aid Missionary Baptist Church; and

WHEREAS, Mr. Jenkins has championed scores of causes, and has been especially significant in his efforts on behalf of Baldwin County as a model county for others to emulate; and

WHEREAS, Samuel Jenkins, Sr., is married to his devoted wife, Willa, and is the proud father of five sons, and the loving grandfather of eight grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute of outstanding service to the citizens of Baldwin County, we hereby most highly commend Samuel Jenkins, Sr., and designate May 4, 1996, as Samuel Jenkins, Sr., Day.

BE IT FURTHER RESOLVED, That Mr. Jenkins receive a copy of this resolution of sincere best wishes for continued happiness and success.

On motion of Representative Ford, the resolution, H.J.R. 393, was adopted.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 395. COMMENDING SHELTON STATE PRESIDENT DR. THOMAS E. UMPHREY AS RECIPIENT OF THE 1995 NATIONAL PACESETTER AWARD.

WHEREAS, it is with utmost pleasure and esteem that the Alabama Legislature recognizes Dr. Thomas E. Umphrey, President of Shelton State Community College, as recipient of the 1995 National Pacesetter Award from the National Council on Marketing and Public Relations (NCMPR); and

WHEREAS, each year, a Pacesetter Award is bestowed on the outstanding president or CEO in each of the seven geographical districts comprising the membership of NCMPR in recognition of their support of the marketing and public relations efforts at their colleges, and these seven recipients then compete for the national award; and

WHEREAS, Dr. Umphrey, who was named the recipient of the award for District II, the largest of the seven districts, and who represented the southern district in national competition, is the only president from the southern states to ever receive this prestigious honor; and

WHEREAS, Dr. Umphrey has served as president of Shelton State since 1988, and, under his dynamic leadership and administration, the college has grown and flourished to new and unprecedented heights of achievement, and is moving toward an even brighter future; and

WHEREAS, in 1992, the school changed from the quarter to the semester system, enabling the college to better serve its student body, and first steps were taken toward the eventual merger between Shelton State and C. A. Fredd State Technical College; and by 1994 construction had begun on a new campus and an unconditional reaffirmation of accreditation, and approval of the Fredd State merger by the Southern Association of Colleges and Schools had been received; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That as recipient of the 1995 National Pacesetter Award, and in recognition and gratitude of his outstanding contributions to Shelton State Community College and to education in our state, we hereby most highly commend and congratulate Dr. Thomas E. Umphrey, for whom a copy of this resolution shall be provided with sincere regard and best wishes for continued success.

On motion of Representative Ford, the resolution, H.J.R. 395, was adopted.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 396. COMMENDING CORENE NICHOLS PHILLIPS OF CENTER, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

WHEREAS, Corene Nichols Phillips is indeed an exemplar of compassion and concern for others whose good and selfless deeds on behalf of her fellow man, and whose sense of responsibility to the good and well-being of her community are worthy of highest commendation and widespread public recognition; and

WHEREAS, for some 25 years, Mrs. Phillips has served as secretary to the president of Wallace State Community College in Hanceville, Alabama, and, over her long and dedicated tenure, has discharged her duties and responsibilities with utmost efficiency, dedication, and commitment, earning the highest regard of co-workers, peers, and associates alike; and

WHEREAS, in addition to career responsibilities, she has been equally as committed in service to her community and to others through her volunteer support as a member of the Cullman County Red Cross and in numerous other charitable and worthy endeavors; and

WHEREAS, of particular note, Mrs. Phillips played a vital role in obtaining visas for the Golovkina family of Russia, enabling them to bring their sick daughter to America for medical treatment; now therefore,

WHEREAS, raised in the Center community of Cullman County, and fondly known as "Co Co," Corene Nichols Phillips was one of four children born to Gordon and Carrie Nichols; she is married to Jim Phillips and is the proud mother of one daughter, Julie, and two stepdaughters; and

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to the community and to others, we hereby most highly commend Mrs. Corene Nichols Phillips of Center, Alabama, for whom a copy of this resolution shall be provided.

On motion of Representative Ford, the resolution, H.J.R. 396, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 398. COMMENDING THE ABBEVILLE HIGH SCHOOL BASKETBALL TEAM ON ITS 4-A STATE BASKETBALL CHAMPIONSHIP.**

WHEREAS, the Legislature of Alabama is greatly pleased to congratulate the Abbeville High School Basketball Team as the 1996 4-A State Basketball Champions; and

WHEREAS, the Abbeville High School basketball players, masterfully directed by Head Coach Moses Knight, who has 18 years of successful coaching experience with 342 wins and only 117 losses, and Assistant Coaches Darryl Brooks and Dexter Grimsley, posted an impressive 30-3 record, and finished the 1996 season as the Wiregrass Athletic Conference Runner-Up, Dothan Progress Tournament Champions, 4-A Area Four Champions, Southeast Regional Champions, and on March 2, 1996, captured first place in the 1996 Alabama High School Athletic Association 4-A State Championship; and

WHEREAS, greatly contributing to these outstanding accomplishments were team members Terren Spann, Melvin Harris, Michael Williams, Derrick Davis, Terrell Thomas, Byron Walker, Derrick Carter, Jason Williams, Chris Porter, Carl Danzey, Tim Jones, and Byron Knight, and team managers Reginald Kincey, Craig Taylor, Michael Lingo, and Cordaryl Knight; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of extraordinary achievement, we hereby most highly commend and congratulate the Abbeville High School Boys Basketball Team as 1996 State Champions, and further direct that a copy of this resolution be provided for appropriate presentation and display.

On motion of Representative Ford, the resolution, H.J.R. 398, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 399. COMMENDING ABBEVILLE CHRISTIAN ACADEMY, 1996 AISA STATE CLASS 2A BASKETBALL CHAMPIONS.**

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WHEREAS, the Alabama Legislature, in highest commendation, congratulates Abbeville Christian Academy as the 1996 AISA State Class 2A Basketball Champions; and

WHEREAS, the Abbeville Christian Academy Boys Basketball Team, masterfully directed by Head Coach Bubber Birdsong and Assistant Coaches David Money and Larry Pitchford, posted an impressive 23-6 record and finished the 1996 season as South Montgomery County Academy Tournament Champions, Ashford Holiday Tournament Champions, 2A East Area Two Runner-Up, and on February 23, 1996, captured 1st place in their team's classification in the AISA Championship; and

WHEREAS, greatly contributing to these outstanding accomplishments were team members, Darron McCoy, Dave Money, Chris Paul, Justice Hallman, Brock Price, Lance Brown, Travis Bryan, Wes McLean, Jay Hutto, Phillip Skipper, Jon Pitchford, Tyson Klear, Chris Cummings, and Charles Armstrong, and team managers, Brett Birdsong, John Lindsey, Mills Money, and Ben Skipper; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of extraordinary achievement, we hereby most highly commend and congratulate the Abbeville Christian Academy Boys Basketball Team as the 1996 AISA 2A State Champions, and direct that a copy of this resolution be provided for appropriate presentation and display.

On motion of Representative Ford, the resolution, H.J.R. 399, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 88. URGING CONGRESS TO APPROVE THE "TRUTH IN BUDGETING ACT."

On motion of Representative Ford, the House concurred in and adopted the resolution, S.J.R. 88.

**BILLS ON SECOND READING**

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 524. To amend Section 9-1-4 of the Code of Alabama 1975, which provides that, unless designated, violations of Title 9 of the Code of Alabama 1975, or of rules and regulations approved by the advisory board of Department of Conservation and Natural Resources are designated as misdemeanors to provide that violations of Title 9 or of rules and regulations of the Commissioner of Conservation and Natural Resources or the advisory board would be designated as Class C misdemeanors, punishable as provided by law.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 790. (With Amendment): To provide immunity from civil liability for malpractice for certain attorneys appointed to represent indigent clients.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 536. To amend Section 13A-9-14, Code of Alabama 1975, to expand the definition of credit card for purposes of illegal possession of a credit card or fraudulent use of a credit card to include references to bank credit cards, debit cards, or bank withdrawal transactions, including the use of an account number, to be consistent with the definition of credit card for purposes of fraud by persons authorized to provide goods, money, and services by credit card transactions.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 245. (With Amendment): To provide that students who are found to be in possession of illegal drugs, alcohol, or deadly weapons on a school campus would be expelled for one school year; to provide that the students would not be eligible to attend any public schools in this state; to provide that expelled students may be allowed to attend alternative schools; and to provide for notification of the expulsion to parents of the students.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 925. To amend Sections 22-6-7 and 41-16-27 of the Code of Alabama 1975, relating to the Alabama Medicaid Agency and the awarding of contracts, to further provide for the award of management information system contracts and



other contracts to administer Medicaid based on factors other than the lowest bid; to provide that the Alabama Medicaid Agency may consider factors other than the lowest bid and to provide for the procedures when awarding contracts related to Medicaid managed care service delivery systems; and to further provide for the evaluation of modifications by health maintenance organizations and applicants to be approved as health maintenance organizations when submitted by prospective managed care service providers to the Alabama Medicaid Agency.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 906. (With Amendment): Relating to insurance, to provide further for the regulation of Medicare supplement insurance and long-term care insurance by amending Sections 27-19-50, 27-19-52, 27-19-53, 27-19-54, 27-19-55, 27-19-56, and 27-19-57 of, and to add Sections 27-19-52.1, 27-19-57.1, 27-19-57.2, and 27-19-59 to the Code of Alabama 1975, and adding an Article 3 (commencing with Section 27-19-100) to Chapter 19 of Title 27 of the Code of Alabama 1975, establishing the "Long-Term Care Insurance Policy Minimum Standards Act."

Representative Hill, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 927. (With Amendment): Relating to the Uniform Disposition of Unclaimed Property Act, to amend Sections 35-12-21, 35-12-22, 35-12-31, 35-12-32, 35-12-33, 35-12-34, 35-12-35, 35-12-36, 35-12-37, 35-12-38, 35-12-39, 35-12-40, 35-12-41, 35-12-42, 35-12-43, 35-12-44, 35-12-45, 35-12-46, and 36-17-3 of the Code of Alabama 1975, to transfer the duties related to the administration and enforcement of the provisions of the Uniform Disposition of Unclaimed Property Act from the Commissioner of Revenue to the State Treasurer; providing for an appropriation from the State General Fund; providing for a transfer of certain funds from the Department of Revenue to the State Treasurer; providing for a transitional period of up to six months after the effective date of this act in which to accomplish the transfer; repealing Section 35-12-24.1 of the Code of Alabama 1975; and providing for a delayed effective date.

Representative Hill, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 903. (With Substitute): To amend Section 11-81-21, Code of Alabama 1975, which lists certain types of permissible investments for county and municipal funds, to include repurchase agreements of specified government securities; to provide for severability of the provisions of this act; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

H. 905. (With Substitute): To amend Section 41-14-30, Code of Alabama 1975, which currently authorizes a portion of state funds to be invested in certain securities or mutual funds, by removing the term "money market" in order to specify the type of mutual funds eligible for investment.

Representative Hill, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 944. Relating to service contracts, to regulate and provide standards for the providers of service contracts to consumers; to define certain terms; to provide exceptions to the application of this act; to require certain disclosures and other requirements applicable to service contracts and to provide certain exceptions; to provide for registration of service contract providers with the Commissioner of Insurance and for the payment of an annual fee; to authorize the Commissioner of Insurance to administer this act and provide for powers to investigate and examine providers, administrators, insurers, and others with obligations related to service contract holders; to authorize the Commissioner of Insurance to take action to enforce this act and regulations and orders including the authority to issue orders, impose civil penalties, and file for injunctions against a provider; and to provide an aggrieved party a hearing process and restitution.

Representative Laird, Chairperson of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 797. (With Amendment): To amend Sections 36-30-1 and 36-30-2 of the Code of Alabama 1975, to provide further for compensation for death and disability of certain firefighters.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 4. To propose an amendment to the Constitution of Alabama of 1901 to provide that the people may initiate the enactment of general laws or constitutional amendments by an initiative or may reject statutes or local resolutions and ordinances by local governing bodies through the procedure of referendum petition and election.

The above bill was read a second time at length as required by the Constitution.

H. 826. To amend Sections 17-16A-1 and 17-16A-3, Code of Alabama 1975, to provide further for Presidential Preference Primary Elections.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 243. (With Amendment): To provide for the procedure for voting by absentee ballot; to prohibit the counting of absentee ballots that are unwitnessed and unnotarized; to require individual voters to present certain identification at the polls as a prerequisite to voting; to provide for an early voting period for certain individuals; to provide for election officials at polling places; to establish uniform polling hours; to provide penalties; and to amend Sections 17-10-3, 17-10-5, 17-10-7, and 17-10-10, Code of Alabama 1975.

Representative Ford, Chairperson of the Standing Committee on Tourism, Entertainment and Sports, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 757. To establish a Governor's-Legislators' Gaming Oversight Commission and a veterans share-lottery administered by the Alabama Veterans Foundation and provide for its powers and duties; to provide for the disposition of the share-lottery proceeds; and to prescribe penalties for certain violations.

Representative Box, Chairperson of the Standing Committee on Navigation and Waterways, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 918. (With Amendment): To provide for the Alabama Underwater Cultural Resources Act; to provide that certain underwater artifacts, treasure troves, or other resources designated as cultural resources shall be managed and preserved by the Alabama Historical Commission; to prohibit the taking or damaging of those resources without a contract or permit with the commission; to authorize the commission to adopt rules pursuant to a management plan for those resources and to exercise other powers to enforce this act; to prescribe criminal penalties and seizures of certain property for violation of the act; and to construe this act together with Section 41-9-249.1, Code of Alabama 1975.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 778. Relating to Morgan County; to repeal Act No. 191, H. 743, 1977 Regular Session (Acts 1977, p. 260), requiring the judge of probate to transfer all lists relating to electors to the board of registrars; and to repeal Act No. 791, H. 1331, 1977 Regular Session (Acts 1977, p. 1373), requiring the Morgan County Board of Registrars to administer all phases of the absentee election process except in municipal elections.

H. 919. Relating to Barbour County; providing for the compensation of the Judge of Probate of Barbour County; repealing conflicting laws; and providing for effective dates.

H. 920. Relating to Barbour County; providing for an expense allowance and mileage for the coroner; and repealing Act No. 82-505, S. 532 of the 1982 Regular Session, (Acts 1982, p. 837) and Act No. 94-399, H. 736 of the 1994 Regular Session, (Acts 1994, p. 656).

H. 921. Proposing an amendment to the Constitution of Alabama of 1901, to provide for the compensation of the Judge of Probate of Barbour County on a salary basis.

The above bill was read a second time at length as required by the Constitution.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 522. To amend Section 28-3-1, Code of Alabama 1975, to provide further for the definition of beer, or malt or brewed beverages.

H. 899. Relating to athlete agents; to amend Sections 8-26-2, 8-26-3, 8-26-7, 8-26-22, and 8-26-27, Code of Alabama 1975; to provide for the definition of student-athlete; to provide for appointments to the commission; to provide reporting requirements of the Secretary of State to the commission; to further provide the requirements of granting or renewing registrations; to require notice to a college or university of a signing of a contract; to create contract requirements; to allow civil actions by colleges or universities for certain actions of the athlete agent and student-athlete; to further provide for business and financial records of athlete agents, penalties for violations, regulating activities of athlete agents with students participating in sports in grades 10 and above; and repealing Sections 8-26-32 and 8-26-33, Code of Alabama 1975.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 749. (With Substitute) (With Amendments): Relating to the Alabama Emergency Management Act; to amend Sections 31-9-2, 31-9-3, 31-9-6, 31-9-7, 31-9-8, 31-9-9, 31-9-10, and 31-9-14, Sections 31-9-16 to 31-9-18, inclusive, Sections 31-9-20 to 31-9-22, inclusive, and Section 31-9-24, Code of Alabama 1975; to provide further for emergency planning, preparation, and management during emergency and disaster situations, including chemical and other hazardous

substance spills or releases; to authorize the Governor to enter into the Southern Regional Emergency Management Compact for the coordination and sharing of resources during an emergency or natural disaster; to provide for civil immunity in certain instances; to provide further for civil and criminal penalties for certain violations; and to repeal Section 31-9-12 of the Code of Alabama 1975.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 885. To amend Section 36-21-8, Code of Alabama 1975, which entitles certain law enforcement officers and investigators to receive their badge and pistol upon retirement, to include State Capitol Police Officers in the law enforcement officers entitled to receive their badge pistol upon retirement.

H. 915. To amend Section 12-16-60 of the Code of Alabama 1975, to further provide that a person be registered to vote in the county of his or her residence to qualify to serve as a juror.

H. 894. To allow a state employee to transfer certain excess annual leave to a state employee with a catastrophic illness under certain conditions and providing that this act shall have retroactive effect to December 1, 1995.

H. 930. To amend Section 40-14-70, Code of Alabama 1975, relating to the assessment and collection of the domestic corporation shares tax; to codify the long-standing deduction for the capital stock owned in other domestic corporations; to provide a conforming deduction for the cost of capital stock owned in foreign corporations doing business in Alabama; to provide certain technical corrections, repeal certain deadwood provisions, direct the Department of Revenue to issue conforming regulations; and to provide for a retroactive effective date.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 694. (With Substitute) (With Amendment): Relating to the disposal or treatment of chemical warfare agents, imposing requirements on the Alabama Department of Environmental Management to assure the safe treatment or disposal of chemical weapons to prevent the release of chemical warfare agents, the injury of humans, and damage to the environment.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 776. To prohibit the construction of a fence around the Autauga Campus of the Alabama Department of Youth Services.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 687. (With Amendment): To amend Sections 36-12-40 and 36-12-41, Code of Alabama 1975, relating to the right of a citizen to inspect and take a copy of any public writing of this state; to provide for requests and denials of access to public writings and records; to provide for a review process for access denial; and to provide civil remedies and criminal violations.

Representative Holmes, Chairperson of the Standing Committee on Local Legislation No. 5, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 928. Relating to Montgomery County; providing further for the compensation of the elected official in the Office of the Revenue Commissioner.

H. 719. Relating to Montgomery County; providing further for the compensation of the elected official in the position of judge of probate.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.R. 394. DESIGNATING MAY 4, 1996, AS SAMUEL JENKINS, SR., DAY.

WHEREAS, Samuel Jenkins, Sr., son of Amelia and John Wesley Jenkins, was born on May 4, 1926, and was reared and educated in Loxley, Alabama; and

WHEREAS, Mr. Jenkins, during his years of active employment, served as a Rural Employment Specialist with the Alabama State Employment Service, and as a ship supervisor with Del Monte Banana Company; and

WHEREAS, he also ably served as a trustee for the Mobile Steamship Association, and as president of the Banana Handlers Local #1516 for 13 years; and

WHEREAS, Mr. Jenkins has worked equally as hard in service to the State of Alabama and Baldwin County Commission, serving as Commissioner for District One for two terms since 1989, and has provided invaluable leadership

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toward the county's financial well-being; and

WHEREAS, listing approximately 26 roads or streets that have been paved in his district during his tenure in office, Mr. Jenkins also has been instrumental in four new bridges being replaced, and over 30 miles of road resurfaced; and

WHEREAS, he has facilitated home loans, community improvement projects, and has enhanced the quality of life for District One residents; and

WHEREAS, Mr. Jenkins' numerous other achievements include the Baldwin County Land Management Committee's efforts to develop parks, restore and preserve historical areas and sites, and to make the county's water accessible to the public; and

WHEREAS, a representative for the M.S.A. Retirees' Pension Plan, Mr. Jenkins also serves as co-chairman of the Board of Trustees, and is a lifetime member of Mt. Aid Missionary Baptist Church; and

WHEREAS, Mr. Jenkins has championed scores of causes, and has been especially significant in his efforts on behalf of Baldwin County as a model county for others to emulate; and

WHEREAS, Samuel Jenkins, Sr., is married to his devoted wife, Willa, and is the proud father of five sons, and the loving grandfather of eight grandchildren; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That in tribute of outstanding service to the citizens of Baldwin County, we hereby most highly commend Samuel Jenkins, Sr., and designate May 4, 1996, as Samuel Jenkins, Sr., Day.

BE IT FURTHER RESOLVED, That Mr. Jenkins receive a copy of this resolution of sincere best wishes for continued happiness and success.

On motion of Representative Ford, the resolution, H.R. 394, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 380. DESIGNATING THE GENE BARTOW ARENA.

WHEREAS, the Legislature of Alabama declares that it is highly appropriate that the University of Alabama at Birmingham Basketball Arena bear the name of

Gene Bartow, the individual fundamentally responsible for establishing and sustaining one of the most prominent and productive basketball programs in America; and

WHEREAS, Coach Bartow's records and achievements on the basketball court are well chronicled and most impressive, including a stellar career record 647 wins, 365 wins at U.A.B. during 18 seasons, and 12 N.C.A.A. Tournament invitations, including Final Four appearances with Memphis State and U.C.L.A. and an Elite Eight game with U.A.B.; and

WHEREAS, under the disciplined direction and stable stewardship of Gene Bartow, the Blazer basketball program has amassed immense and immeasurable social, educational, and economic benefits for the City of Birmingham, and his teams have represented the entire State of Alabama in a positive and impeccable manner; and

WHEREAS, this legislative body resolutely and resoundingly finds that the achievements and contributions of Gene Bartow merit and demand unique and perpetual recognition, and accordingly, it is befitting that the home of Blazer basketball carry the name of its founding father; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this legislative body, based upon the foregoing and other exemplary service to the state, respectfully request the Board of Trustees of the University of Alabama to designate the University of Alabama at Birmingham Basketball Arena the Gene Bartow Arena.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the Board of Trustees and to Coach Bartow so that they may know of our sentiments regarding this designation.

On motion of Representative Ford, the resolution, H.J.R. 380, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 381. AMENDING THE JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Rules of the Two Houses are hereby amended to read as follows:

Amend Rule 21 after the words "one week after the" by striking the word ~~second~~ and inserting the following language: first



On motion of Representative Ford, the resolution, H.J.R. 381, was adopted.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 382. COMMENDING OFFICER JAMES DARRELL HOLT OF THE ALABAMA DEPARTMENT OF CORRECTIONS AS RECIPIENT OF THE 1996 ALABAMA LEGISLATIVE LAW ENFORCEMENT MEDAL OF HONOR.

WHEREAS, it is with highest commendation that the Legislature of Alabama recognizes Officer James Darrell Holt of the Alabama Department of Corrections as recipient of the 1996 Alabama Legislative Law Enforcement Medal of Honor, the state's highest law enforcement award for extraordinary courage in the line of duty; and

WHEREAS, on April 15, 1995, Officer James Darrell Holt, a 12-year veteran Correctional Officer and Assistant Search Party Dog Handler, assigned to the Limestone Correctional Facility in Capshaw, Alabama, was transporting an inmate back to the facility when suddenly the inmate drew a revolver concealed in his jacket and ordered him to drive to the Limestone Kennel; and

WHEREAS, upon arrival at the kennel, the inmate was momentarily distracted by another inmate; seizing the moment, Officer Holt bolted from the vehicle, shouting a warning to the other inmate to hide, and taking cover as the armed inmate fired; his repeated orders to surrender being ignored, Officer Holt returned fire, wounding and disabling the inmate who, without warning, suddenly turned the gun on himself, taking his own life; and

WHEREAS, Officer Holt is truly a worthy exemplar of the dedicated law enforcement officer who, under the most adverse conditions, willingly places his life in jeopardy in his dedicated commitment to duty, and to the safety and well-being of others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Officer James D. Holt of the Alabama Department of Corrections as recipient of the 1996 Alabama Legislative Law Enforcement Medal of Honor and, with sincere best wishes, direct that he receive a copy of this resolution as a measure of our gratitude, tribute, and esteem.

On motion of Representative Ford, the resolution, H.J.R. 382, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 383. RECOGNIZING AGENT JOHN ALLEN CRAWFORD FOR DISTINGUISHED SERVICE OF VALOR.**

WHEREAS, the Alabama Legislative Law Enforcement Medal of Honor is the state's highest law enforcement award, bestowed on those dedicated men and women who have demonstrated extraordinary courage and valor above and beyond the call of duty; and

WHEREAS, Agent Crawford, a retired undercover agent with the Alabama Alcoholic Beverage Control Board, is indeed a worthy representative of this elite group as was so clearly demonstrated on April 26, 1990, when he willingly put his own life at risk and sustained severe injury in the performance of duty during a drug operation incident; and

WHEREAS, this brave officer is deserving of highest praise and public recognition for his courageous actions, and is indeed a worthy nominee for this prestigious honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding courage and dedicated commitment to duty, and as a nominee for the 1996 Alabama Legislative Law Enforcement Medal of Honor, we hereby most highly commend Agent John Allen Crawford, and direct that he receive a copy of this resolution as a measure of our gratitude, tribute, and esteem.

On motion of Representative Ford, the resolution, H.J.R. 383, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 384. RECOGNIZING AGENTS JOHN GUTHRIE AND ROBERT THORNTON FOR DISTINGUISHED SERVICE OF VALOR.**

WHEREAS, the Alabama Legislative Law Enforcement Medal of Honor is the state's highest law enforcement award, bestowed on those dedicated men and women who have demonstrated extraordinary courage and valor above and beyond the call of duty, and Agents John Guthrie and Robert Thornton assigned to the Alabama Bureau of Investigation, are indeed worthy representatives of this elite group; and

WHEREAS, in May 1993, Agents Guthrie and Thornton, at great personal sacrifice and risk, volunteered for a potentially dangerous covert operation within Mental Health centers that house and provide care for mentally retarded or mentally ill patients; the operation focused on identifying, arresting, and prosecuting employees involved in patient abuse, and other criminal activities, and resulted in 61 indictments and the arrest of 23 individuals; and

WHEREAS, these fine officers are deserving of highest praise and public recognition for their courageous efforts and are indeed worthy nominees for this prestigious honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of their outstanding courage and dedicated commitment to duty, and as nominees for the 1996 Alabama Legislative Law Enforcement Medal of Honor, we hereby most highly commend Agents John Guthrie and Robert Thornton, and direct that they receive copies of this resolution as a measure of our gratitude, tribute, and esteem.

On motion of Representative Ford, the resolution, H.J.R. 384, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 385. RECOGNIZING DEPUTY KEITH COOK OF THE HOUSTON COUNTY ALABAMA SHERIFF'S DEPARTMENT FOR DISTINGUISHED SERVICE OF VALOR.

WHEREAS, the Alabama Legislative Law Enforcement Medal of Honor is the state's highest law enforcement award, bestowed on those dedicated men and women who have demonstrated extraordinary courage and valor above and beyond the call of duty, and Deputy Keith Cook is indeed a worthy representative of this elite group; and

WHEREAS, on March 6, 1995, Deputy Keith Cook of the Houston County Alabama Sheriff's Department willingly risked his own life during the chase and apprehension of an armed robbery suspect, bringing a potentially dangerous situation to a successful conclusion, and conceivably saving the lives of innocent citizens and his fellow officers; and

WHEREAS, this brave officer is deserving of highest praise and public recognition for his heroic actions, and indeed a worthy nominee for this prestigious honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding courage and dedicated commitment to duty, and to the safety and well-being of others, and as a nominee for the 1996 Alabama Legislative Law Enforcement Medal of Honor, we hereby most highly commend Deputy Keith Cook of the Houston County Alabama Sheriff's Department, and direct that he receive a copy of this resolution as a measure of our gratitude, tribute, and esteem.

On motion of Representative Ford, the resolution, H.J.R. 385, was adopted.

### REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 386. RECOGNIZING CHIEF DEPUTY LEO BEDSOLE, JR., OF THE COVINGTON COUNTY SHERIFF'S DEPARTMENT FOR DISTINGUISHED SERVICE OF VALOR.

WHEREAS, the Alabama Legislative Law Enforcement Medal of Honor is the state's highest law enforcement award, bestowed on those dedicated men and women who have demonstrated extraordinary courage and valor above and beyond the call of duty; and

WHEREAS, Chief Deputy Leo Bedsole, Jr., a member of the Covington County Sheriff's Department, is indeed a worthy representative of this elite group as was so clearly demonstrated on July 18, 1995, when he willingly risked his own life to save that of a fellow officer whose life was in jeopardy; and

WHEREAS, this brave officer is deserving of highest praise and public recognition for his heroic actions, and is indeed a worthy nominee for this prestigious honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding courage and dedicated commitment to duty, and as a nominee for the 1996 Alabama Legislative Law Enforcement Medal of Honor, we hereby most highly commend Chief Deputy Leo Bedsole, Jr., of the Covington County Sheriff's Department, and direct that he receive a copy of this resolution as a measure of our gratitude, tribute, and esteem.

On motion of Representative Ford, the resolution, H.J.R. 386, was adopted.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 387. RECOGNIZING FIRST BAPTIST CHURCH OF GRAND BAY, ALABAMA, ON ITS 100 YEARS OF CHRISTIAN SERVICE TO THE COMMUNITY.

WHEREAS, First Baptist Church of Grand Bay, Alabama, is approaching its first 100 years of Christian ministry and service to the Grand Bay community; and

WHEREAS, organized May 1896, under the spiritual leadership of Reverend Cooper of Whistler, Alabama, as the Grand Bay Missionary Baptist Church, First Baptist has since grown and flourished over the past 10 decades, and this milestone anniversary occasion provides an opportunity to reflect upon its rich and glorious heritage and the many memorable events and benchmarks in its long and distinguished history; and

WHEREAS, it also provides an opportunity to recognize and honor those pastors and many members, both past and present, who, with Christian love and devotion, have contributed so much in the life of First Baptist; and

WHEREAS, for almost a century, First Baptist has had a significant impact on the spiritual and moral well-being of the Grand Bay community, and is indeed to be praised on the accomplishments of its illustrious past, which stand as a solid rock upon which to build a glorious future; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of its 100th Anniversary of service, highest commendation is hereby bestowed upon First Baptist Church of Grand Bay, Alabama, and it is further directed that a copy of this resolution be prepared and provided for appropriate presentation and church display.

On motion of Representative Ford, the resolution, H.J.R. 387, was adopted.

### **INTRODUCTION OF BILLS**

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Smith (With Notice and Proof):

H. 954. Relating to Chilton County; authorizing the county commission to levy an additional one cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; prescribing penalties and fixing

punishment for violation of this act; providing for a referendum; and providing for a termination date.

## COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 954, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Kennedy:

H. 955. To exempt the Mobile Metro Black Chamber of Commerce Foundation, Inc., from the payment of all state, county, and municipal sales and use taxes.

## COMMITTEE ON WAYS AND MEANS

By Representative Flowers (With Notice and Proof):

H. 956. Relating to Pike County, to establish the City of Troy Investment Trust Fund; to prescribe that the City of Troy shall place certain proceeds from the sale of Edge Regional Medical Center in the Investment Trust Fund; and to prescribe requirements for the management of the Investment Trust Fund.

## COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 956, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative McMillan:

H. 957. To amend Section 33-5-73 of the Code of Alabama 1975, to prohibit operation of vessels above "idle speed" within a certain distance of certain objects subject to criminal penalties provided pursuant to existing law for boating violations.

COMMITTEE ON NAVIGATION AND  
WATERWAYS

By Representatives Curry, Morton, Haney, Thomas (J), Knight (J), and Fuller:

H. 958. To amend Sections 15-23-2, 15-23-3, 15-23-15 and 15-23-16, Code of Alabama 1975 as amended to authorize the Legislature to appropriate

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funds from the Alabama Crime Victims Compensation Fund for programs that collectively benefit victims of crimes, sexual abuse, child abuse and/or domestic abuse; and to increase the maximum amounts that may be awarded to individual victims and dependents of victims of violent crimes.

**COMMITTEE ON WAYS AND MEANS**

By Representatives Curry, Morton, Haney, Thomas (J), Knight (J), and Fuller:

H. 959. To provide that any regulatory board, agency or commission which has a balance at the end of a fiscal year in excess of 25 percent of its previous year's operating expenditures shall rebate the excess licenses or fees paid by licensees.

**COMMITTEE ON WAYS AND MEANS**

By Representatives Flowers, Sims, Seibenhener, Sanderford, Carns, Moore, Sanderson, Hooper, Papucci, Jorgensen, and Haney:

H. 960. To amend Sections 22-21-274 and 22-21-275, Code of Alabama 1975, relating to the State Health Planning and Development Agency and the adoption of procedures for the review of applications for certificates of need and for the issuance of the certificate of need, to further provide for procedures; and to provide for appeals from the agency directly to the Montgomery County Circuit Court.

**COMMITTEE ON HEALTH**

By Representative Flowers:

H. 961. To amend Section 16-25-11.6 of the Code of Alabama 1975, to provide further for purchase of credit in the Teachers' Retirement System for service rendered as a teacher in a United States Army school under certain conditions.

**COMMITTEE ON WAYS AND MEANS**

By Representative Newton (D):

H. 962. To amend Section 40-17-31, Code of Alabama 1975, to reduce the seven cents per gallon supplemental gasoline tax levied therein to four cents and the five cents per gallon supplemental gasoline tax levied therein to four cents; to amend Section 40-17-220, Code of Alabama 1975, to reduce the four cents per gallon gasoline tax levied therein to three cents; to authorize each county to levy a five cents per gallon tax on gasoline; to amend Section 40-17-70, Code of Alabama 1975, to provide that the minimum Base Annual County Distribution to each county under the provisions of Sections 40-17-73, 40-17-74.1, and 40-17-223, Code of Alabama 1975, combined with the distribution of inspection

fees under Section 8-17-91, Code of Alabama 1975, shall be \$1,000,000; and to provide for the effective date of the act.

## COMMITTEE ON WAYS AND MEANS

By Representatives Venable, Wren, and Gipson (With Notice and Proof):

H. 963. Relating to Elmore County; authorizing the county commission to levy an additional ad valorem tax and providing for a referendum.

## COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 963, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Knight (J) (With Notice and Proof):

H. 964. Relating to Montgomery County; to authorize the governing body of the City of Montgomery to regulate and permit the sale and consumption of alcoholic beverages on Sunday upon the licensed premises of properly licensed retailers serving the general public in the city.

## COMMITTEE ON LOCAL LEGISLATION NO. 5

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 964, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Burke:

H. 965. To provide conformity in Alabama law with recent court decisions regarding the administration of the Multistate Tax Compact by: amending Section 40-27-1, Code of Alabama 1975, to delete from the definition "taxpayer" under Article II, the reference to "person," and to delete from Article IV, wherein reference is made to the income from business activity not taxable both within and without "this state," certain statutory language regarding income resulting from "the rendering of purely personal services"; amending Section 40-18-161, Code of Alabama 1975, and to further clarify the method of taxing an Alabama S corporation and its resident and nonresident shareholders.

## COMMITTEE ON WAYS AND MEANS



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By Representative Clark (J) (With Notice and Proof):

H. 966. To provide additional revenue in the City of Eufaula to be used for the promotion of tourism and economic development within the city and county; levying a municipal privilege or license tax paralleling, at lower rate, state privilege or license tax on businesses of renting rooms, lodging or accommodations to transients as provided for in Chapter 26, Title 40, Code of Alabama 1975, as heretofore or hereafter amended or supplemented; providing for the ascertainment, collection, payment, distribution and use of the proceeds of all such taxes; to provide for a redistribution of the municipal lodging tax collected in the City of Eufaula; and prescribing penalties and fixing punishment for violation of this act.

**COMMITTEE ON LOCAL LEGISLATION NO. 1**

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 966, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Thomas (D) and Gaines:

H. 967. To amend Section 36-26-100 of the Code of Alabama 1975, defining employees; to include for dismissal procedures, the production workers at the Alabama Industries for the Blind.

**COMMITTEE ON BUSINESS AND LABOR**

**BILLS ON THIRD READING**

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative McMillan, the Budget Isolation Resolution relating to the bill, H. 877, was adopted.

Yeas 34; Nays 0.

Yea:

Mr. Speaker, Black (L), Carothers, Clouse, Collins, Curry, Dean, Gaines, Gaston, Gipson, Guin, Hamilton, Hill, Hilliard, Johnson (R), Jorgensen, Knight (A), Layson, McClammy, McMillan, Melton, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Petelos, Rogers (M), Sanderson, Smith and Spratt.

**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 877. Relating to Baldwin County; authorizing the sheriff to operate a jail store and a telephone system for prisoners in county custody; providing for the deposit, distribution, and auditing of monies earned; and confirming and ratifying certain prior actions.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Boyd, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Gaines, Gaston, Gipson, Hamilton, Hawk, Hill, Hilliard, Hinshaw, Johnson (R), Jorgensen, Knight (A), Layson, Lindsey, McClammy, McDaniel, McMillan, Moore, Morton, Murphree, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Rogers (M), Sanderson, Smith, Spratt and Townsend.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Clouse, the Budget Isolation Resolution relating to the bill, H. 897, was adopted.

Yeas 44; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Carns, Carothers, Clouse, Collins, Curry, Dean, Flowers, Gaines, Gaston, Gipson, Guin, Hamilton, Hammett, Hawk, Hawkins, Hill, Hinshaw, Johnson (R), Jorgensen, Knight (A), Layson, Lindsey, McClammy, McDaniel, McMillan, Minnifield, Moore, Morton, Murphree, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Rogers (M), Sanderson, Seibenhener, Smith, Townsend and Venable.

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### **PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 897. Relating to Dale County, to require the installation and maintenance of an improved system of recording, archiving, and retrieving documents affecting the title to property and other documents recorded in the office of the judge of probate; to provide for the collection and disposition of a special recording fee; and to provide that said system shall constitute official and permanent records in Dale County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 0.

Yea:

Mr. Speaker, Baker, Black (M), Box, Buskey, Carns, Clouse, Collins, Curry, Dean, Flowers, Gaines, Gaston, Gipson, Guin, Hammett, Hawk, Hawkins, Hill, Hinshaw, Johnson (E), Jorgensen, Knight (A), Layson, Lindsey, McClammy, Minnifield, Moore, Morton, Murphree, Papucci, Parker (P), Payne, Perdue, Petelos, Rogers (M), Sanderson, Seibenhener, Smith, Townsend and Venable.

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### **PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Holmes, the Budget Isolation Resolution relating to the bill, H. 720, was adopted.

Yeas 42; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Buskey, Carothers, Clouse, Collins, Drake, Gaines, Gipson, Guin, Hammett, Hawk, Hill, Hinshaw, Holmes, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, McClammy, Minnifield, Moore, Morton, Murphree, Papucci, Parker (P), Penry, Perdue, Petelos, Rogers (M), Sanderson, Smith, Starkey, Thomas (J), Venable, Warren and Wren.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 720. (With Substitute): Relating to Montgomery County; providing additional compensation for the members of the Montgomery County Board of Education; and repealing Act. No 82-356, H. 710 of the 1982 Regular Session (Acts 1982, p. 510).

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 5 to the bill, H. 720, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Montgomery County; providing additional compensation for the members of the Montgomery County Board of Education; and repealing Act. No 82-356, H. 710 of the 1982 Regular Session (Acts 1982, p. 510).

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Commencing with the next term of office of the member elected in 1996, each member of the Montgomery County Board of Education shall receive a salary of ten thousand dollars (\$10,000) per year in lieu of all other compensation, salaries, and expense allowances. The compensation shall be paid from funds allocated to the Montgomery County Board of Education.

Section 2. All laws or parts of laws which conflict with this act are repealed and specifically Act No. 82-356, H. 710 of the 1982 Regular Session (Acts 1982, p. 510), is repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 44; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Buskey, Carothers, Clark (W), Clouse, Collins, Dolbare, Drake, Gaines, Gipson, Graham, Guin, Hall (L), Hammett, Hawk, Hill, Hinshaw, Holmes, Johnson (R), Kennedy, Knight (A), Knight (J), Lindsey, McClammy, Moore, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Perdue, Petelos, Rogers (J), Rogers (M), Sanderson, Smith, Starkey, Thomas (J), Venable and Warren.

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### **PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 720. Relating to Montgomery County; providing additional compensation for the members of the Montgomery County Board of Education; and repealing Act. No 82-356, H. 710 of the 1982 Regular Session (Acts 1982, p. 510).

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 42; Nays 1.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Clark (W), Clouse, Drake, Gipson, Graham, Guin, Hall (L), Hawk, Hill, Hinshaw, Hogan, Johnson (E), Johnson (R), Jorgensen, Kennedy, Lindsey, McClammy, Moore, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Penry, Perdue, Petelos, Rogers (J), Rogers (M), Sanderson, Smith, Starkey, Thomas (J), Warren and Willis.

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Nay:

Representative McKee.

- 1

#### **PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### **BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER**

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 173, were temporarily carried over at the request of Representative McKee.

#### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Vance, the Budget Isolation Resolution relating to the bill, H. 435, was adopted.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Dean, Drake, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Hawk, Hawkins, Hill, Hogan, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, McClammy, McDaniel, McMillan, Millican, Moore, Morton, Murphree, Parker (P), Payne, Penry, Perdue, Petelos, Rogers (J), Rogers (M), Sanderson, Smith, Starkey, Thomas (J), Townsend, Vance, Warren and Willis.

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And the bill:

H. 435. Relating to Russell County; to authorize the board of health to designate the environmental services rendered for which a reasonable fee may be charged and to set the appropriate fee for each service.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gipson, Graham, Guin, Hall (L), Hawk, Hill, Hogan, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Laird, Lindsey, McDaniel, McMillan, Millican, Minnifield, Moore, Morton, Murphree, Parker (P), Payne, Penry, Perdue, Petelos, Rogers (J), Rogers (M), Sanderson, Smith, Starkey, Thomas (J), Townsend, Vance, Warren and Willis.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Ford, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 907.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Ford, the Budget Isolation Resolution relating to the bill, H. 907, was adopted.

Yeas 45; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Boyd, Carothers, Clouse, Collins, Drake, Flowers, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hilliard, Hinshaw, Hogan, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, McClammy, Melton, Millican, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Penry, Perdue, Rogers (J), Rogers (M), Sanderson, Spratt, Starkey, Thomas (J), Warren and Willis.

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### **PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 907. To amend Section 16-11-2 of the Code of Alabama 1975, to provide that only one classroom teacher may serve as a member of the Board of Education of the City of Attalla.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Boyd, Carns, Carothers, Clouse, Collins, Drake, Flowers, Ford, Galliher, Gipson, Graham, Guin, Hall (A), Hawk, Hilliard, Hinshaw, Hogan, Johnson (E), Johnson (R), Jorgensen, Laird, Lindsey, McClammy, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Payne, Penry, Perdue, Petelos, Rogers (J), Rogers (M), Sanderson, Smith, Spratt, Starkey, Thomas (J), Warren and Willis.

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### **PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.



RESOLUTIONS

The following resolution was introduced:

By Rules Committee:

H.R. 402. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the twenty first legislative day, Thursday, April 18, 1996, taking precedence over the regular order of business or any pending or unfinished business:

And the Following bills:

Inst Id	Page
H. 731 (By Flowers) Home health care agencies, licensed by St. Bd. of Health, Home health licensure advisory committee, estab., fees, penalties, exclusions	108
S. 86 (By Bailey)  Psychology, Bd. of Examiners in, public membs. exempt from nomination process to fill vacancies, Sunset recommendations, Sec. 34-26-21 am'd.	90
S. 85 (By Bailey)  Psychology, Bd. of Examiners in, sunset law review, contin- ued	1
H. 783 (By Venable)  Sunset Act, Secs. 41-20-1 to 41-20-12, inclusive, and Secs. 41-20-14 to 41-20-16, inclusive, repealed	139
H. 546 (By McDaniel)  National Highway System highways, outdoor advertising reg., spacing of signs and conversion of spacing measurements to metric system, Secs. 23-1-271 to 23-1-274, 23-1-278 to 23-1-280 am'd.; Act 95-566, 1995 Reg. Sess. am'd.	61
H. 548 (By McDaniel)  Alabama Industrial Access Road and Bridge Corporation, approps., Secs. 23-6-2, 23-6-8 am'd.	58

H. 755 (By Johnson R) 141

Highways, incr. in max. speed limit, Sec. 32-5A-171 am'd.

H. 547 (By McDaniel) 57

Motor vehicles, vintage license plates, issuance reg., tax exemption, Secs. 40-12-290, 40-12-291, 40-12-293, 40-12-296 am'd., Sec. 40-12-295 repealed

H. 785 (By Venable) 136

Education, st. bd. of, membs., concurrent election provided, Sec. 16-3-1 am'd.

H. 896 (By McMillan) 171

Sales tax, discount for collection decreased, add'l. revenue to Conservation and Natural Resources, Secs. 40-23-35 and 40-23-36 am'd.

H. 214 (By Carothers) 63

Vocational/technical ed., defined, funding base, vocational director, administrator, counselor units, public school fund allocations in 1996-97, use of st. funds, Secs. 16-6B-2, 16-6B-8, 16-13-232, 16-13-234, 16-13-236 am'd.

On motion of Representative Ford, the resolution, H.R. 402, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Jackson:

H.R. 403. COMMENDING MILDRED DAVIS ON HER OUTSTANDING CIVIC CONTRIBUTIONS.

Also:

By Representative Jackson:

H.R. 404. COMMENDING OLETHA WATKINS ON HER OUTSTANDING CIVIC CONTRIBUTIONS.

Also:

By Representative Jackson:

H.R. 405. COMMENDING HILDA SCOTT CLARKE ON HER OUTSTANDING CIVIC CONTRIBUTIONS.

Also:

By Representative Jackson:

H.R. 406. COMMENDING DOROTHY SHARP ON HER OUTSTANDING CIVIC CONTRIBUTIONS.

Also:

By Representative Jackson:

H.R. 407. COMMENDING CHAPLAIN BENTON THOMAS ON HIS OUTSTANDING CIVIC CONTRIBUTIONS.

Also:

By Representative Jackson:

H.R. 408. COMMENDING PAULINE B. THOMPSON ON HER OUTSTANDING CIVIC CONTRIBUTIONS.

Also:

By Representative Jackson:

H.R. 409. COMMENDING MERKERLINE TALLEY ON HER OUTSTANDING CIVIC CONTRIBUTIONS.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 720. Relating to Montgomery County; providing additional compensation for the members of the Montgomery County Board of Education; and repealing Act. No 82-356, H. 710 of the 1982 Regular Session (Acts 1982, p. 510).

TOMMY CARTER  
Chairman

And the bill, H. 720, as engrossed, was ordered sent to the Senate.

### H. 731 TAKEN UP

And the bill:

H. 731. (With Substitute) (With Amendments): Relating to health; to define home health services; to authorize the licensure and regulation of home health agencies by the State Board of Health; to provide for fees, and for penalties for violations; to provide for exclusions; to provide for definitions; and to provide for the appointment of the Home Health Licensure Advisory Committee.

and the substitute offered by Representative Flowers to the substitute reported by the Standing Committee on Health to the bill, H. 731, and to the pending committee amendments on the sixteenth legislative day were taken up.

### SUBSTITUTE TO SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Representative Flowers to the substitute reported by the Standing Committee on Health to the bill, H. 731, and to the pending committee amendments and the substitute was adopted.

Yeas 68; Nays 8.

Yea:

Mr. Speaker, Allen, Black (M), Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Spratt, Starkey, Thomas (D), Townsend, Turnham, Venable, Willis and Wren.

Nay:

Representatives Boyd, Buskey, Kennedy, McAdory, Mitchell, Newton (D), Reed and Rogers (J).

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### **AMENDMENT OFFERED**

Representative Guin offered the following amendment to the bill, H. 731, as amended:

On page 3, line 17, after the language "residence." insert the following: Personal services shall include, but shall not be limited to, assisting in a patient's personal hygiene and feeding, administering medication, and the operation of durable medical equipment.

### **AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Venable, Warren, White, Willis and Wren.

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### **H. 731 TEMPORARILY CARRIED OVER**

In accordance with House Rule 21, the bill, H. 731, as amended, was temporarily carried over at the request of Representative Flowers.

**RESOLUTION**

The following resolution was introduced:

By Representative Sanderson:

H.J.R. 410. COMMENDING DENISE IRELAND CYPRESS AS 1996 ALABAMA COUNCIL FOR LEARNING DISABILITY TEACHER OF THE YEAR.

WHEREAS, it is with utmost pride and pleasure that heartiest congratulations are herein extended to Denise Ireland Cypress as recipient of the 1996 Alabama Council for Learning Disability Teacher of the Year; and

WHEREAS, a graduate of Fort Payne High School, Mrs. Cypress attended Samford University, the University of Alabama at Birmingham, and pursued graduate studies at the University of Alabama; and

WHEREAS, creating an illustrious record as an educator, Mrs. Cypress has served on the faculty of Mountain Brook High School for 15 years, and as a successful chair with the Department of Learning Disabilities' Specialist; and

WHEREAS, receiving countless honors and awards, Mrs. Cypress was Mountain Brook Rotary Club Teacher of the Year for 1995, a finalist in the Birmingham Post Herald Outstanding Teacher of the Year for 1996, and was one of five Outstanding Teachers in the Mountain Brook School System; and

WHEREAS, Denise Ireland Cypress has been the loving wife of husband, Fred K. Cypress, for 12 years; and they are the proud parents of a son, David; and

WHEREAS, Mrs. Cypress is impeccably qualified to hold the honored position of outstanding teacher, and has gained praise and recognition for her many innovative educational programs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Denise Ireland Cypress is indeed congratulated upon her selection as 1996 Alabama Council for Learning Disability Teacher of the Year, and further direct that she receive a copy of this resolution of sincere admiration and esteem.

On motion of Representative Sanderson, the rules were suspended and the resolution, H.J.R. 410, was adopted.

**SPECIAL ORDER CALENDAR RESUMED**

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Mitchell, the Budget Isolation Resolution relating to the bill, S. 86, was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Parker (T), Payne, Penry, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable, Warren, Willis and Wren.

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**PERMISSION GRANTED**

Permission was granted for the Journal to reflect that Representative Mitchell intended to vote "Yea" on adoption of the Budget Isolation Resolution relating to the bill, S. 86.

And the bill:

S. 86. To make certain statutory changes to the Board of Examiners in Psychology suggested by the Alabama Sunset Committee pursuant to Section 41-20-5, Code of Alabama 1975; to amend Section 34-26-21, Code of Alabama 1975, relating to the board, so as to exempt public board members from the nomination process in filling vacancies on the board.

was taken up.

**SUBSTITUTE OFFERED**

Representative Carothers offered the following substitute to the bill, S. 86:

A BILL  
TO BE ENTITLED  
AN ACT

To make certain statutory changes to the Board of Examiners in Psychology suggested by the Alabama Sunset Committee pursuant to Section 41-20-5, Code of Alabama 1975; to amend Sections 34-26-21, 34-26-40, and 34-26-41, Code of Alabama 1975, relating to the board, so as to exempt public board members from the nomination process in filling vacancies on the board; and to provide further for qualifications of applicants and exempted groups.

## BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 34-26-21, 34-26-40, and 34-26-41 of the Code of Alabama 1975, are amended to read as follows:

"§34-26-21.

"(a) There is created a state Board of Examiners in Psychology to consist of seven persons who are residents of this state, five of whom shall be appointed by the Governor under conditions set forth in this section, and two of whom shall be newly appointed within 30 days following October 1, 1988, as provided in this section. At least two members shall be chosen from and shall be members of the faculty, with the rank of assistant professor or above, of the accredited colleges and universities of the state, shall be licensed or qualified for licensure under this chapter, and shall be primarily engaged in teaching, research, or administration of psychology. Three members shall be licensed psychologists or qualified for licensure under this chapter.

"The board shall perform those duties and exercise those powers prescribed in this chapter. No member of the board shall be liable to civil action for any act performed in good faith in the performance of his or her duty pursuant to this chapter. Original appointments to the board shall be for terms as follows: ~~one~~ One practicing psychologist for a term of one year, one academic psychologist for a term of two years, one practicing psychologist for a term of three years, one academic psychologist for a term of four years, and one practicing psychologist for a term of five years. Vacancies shall be filled for any unexpired term, and members shall serve until their successors are appointed and have qualified.

"Board members shall not serve more than two consecutive terms of office. Within 30 days after October 1, 1963, the executive committee of the Alabama Psychological Association shall submit to the Governor a list of qualified candidates for the original five positions on the board. The list shall contain names of at least two qualified academic psychologists and two qualified practicing psychologists, from which the Governor shall select the board within 60 days. Not later than October 1 of each year the executive committee of the association shall submit to the Governor the names of two qualified candidates for the position of the board to be vacated by reason of expiration of term of office.



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From the two candidates the Governor shall appoint one member not later than January 1 to serve on the board for a term of five years. Other With the exception of the two members appointed from the general public pursuant to subsection (b), other vacancies occurring in the board shall be filled for the unexpired term by appointment of the Governor from two candidates for each vacancy submitted within 30 days after the vacancy occurs by the executive committee of the association. Those appointments shall be made within 30 days after the candidates' names have been submitted. If the association fails to furnish the Governor with the list of persons eligible for appointment to the board, the Governor shall appoint any members of the profession of psychology.

"(b) Within 30 days following October 1, 1988, the Governor shall appoint two new members to the board for five-year terms of office. Each of the two new members shall be members of the general public, and Alabama residents who are not licensed by the board, and whose spouses, if married, are not licensed by the board. One of the two new public members, and his or her successors, shall be black. Vacancies for unexpired terms shall be filled by the Governor. Successor public members shall be appointed by the Governor.

"(c) Any board members may be removed by the Governor after notice and hearing for incompetence, neglect of duty, malfeasance in office, or moral turpitude.

"(d) Immediately before entering public duties of the office, the members of the board shall take the constitutional oath of office and shall file the oath in the Office of the Governor, who upon receiving the oath shall issue to each member a certificate of appointment. The board shall have available for the Governor or his or her representative detailed reports on proceedings and shall make annual reports in the form required by the Governor.

"(e) The board shall elect annually a chair and vice-chair. Each member shall receive the same per diem and travel allowance paid to state employees for each day's attendance at an official meeting of the board. The board shall hold at least one regular meeting each year. Additional meetings may be held at the discretion of the chair or at the written request of any two members of the board. The board shall adopt a seal which shall be affixed to all certificates issued by the board. The board shall from time to time adopt rules and regulations necessary for the performance of its duties. Four members of the board shall constitute a quorum. The board may hire any assistants necessary to carry on its activities within the limit of funds available to the board. The board may accept grants from foundations, individuals, and institutions to carry on its functions.

"§34-26-40.

"(a) It is specifically prohibited that any individual or organization shall present himself or be presented to the public by any title incorporating the name "psychological," "psychologist" or "psychology" other than so licensed by this chapter; except, that any psychological scientist employed by a recognized

research laboratory, school, college, university or governmental agency may represent himself by the academic or research title conferred upon him by the administration of such laboratory, school, college or university or governmental agency. Nothing in this section shall be construed as permitting such persons to offer their services to any other persons or organizations as consultants or to accept remuneration for any psychological services other than that of their institutional salaries, unless they have been licensed under this chapter. Visiting lecturers from recognized laboratories, schools, colleges, universities or governmental agencies are exempt from the provisions of this section and may utilize their academic or research titles when presenting lectures or performing such consultation as might be required in their academic or research functions. Students of psychology, psychological interns and other persons preparing for the profession of psychology under qualified supervision in recognized training institutions or facilities may be designated by such titles as "psychological intern," "psychological trainee" or others clearly indicating such training status. No individual may employ or use the title "licensed psychologist" or imply in any way that he is licensed by the board unless he is actually so licensed and registered under this chapter.

"(b) State agencies may employ individuals in the monitoring, screening, observing, counseling, reporting, and classifying of individuals who have been sentenced or committed to the care of a state agency. Any diagnosis and treatment prescriptions relating to the mental illness of a committed individual shall be performed by a qualified licensed professional psychologist."

"§34-26-41.

"(a) Any person wishing to obtain the right to practice as psychologist in this state, who has not heretofore been licensed to do so, shall, before it shall be lawful for him to practice psychology in this state, make application to the board of examiners in psychology through the chairman upon such form and in such manner as ~~shall be adopted and prescribed by the board~~ herein. Unless such a person has obtained license as aforesaid, it shall be unlawful for him to practice; and, if he shall practice psychology without first having obtained such a license, he shall be deemed to have violated the provisions of this chapter.

"A candidate for such license shall furnish the board with satisfactory evidence that:

"(1) He is of good moral character;

"(2) He is at least 19 years of age;

"(3) He has received a doctorate degree from a department of, or school of, psychology, from an educational institution accredited and recognized by national and regional accrediting agencies as maintaining satisfactory standards;

"(4) He is competent in psychology as shown by passing such examinations, written or oral, or both, as the board will prescribe, unless exempted pursuant to subsection (c);

"(5) He is not engaged in unethical practice as defined in the code of ethics of the American Psychological Association; and

"(6) He has not within the preceding six months failed an examination given by the board.

"(b) The board is hereby authorized to issue a license to any person who is a licensed psychologist of another state, and who applies to the board, provided said licensee of another state shall furnish the board with satisfactory evidence that:

"(1) He is of good moral character, and holds his license in good standing from another state;

"(2) He is at least 19 years of age;

"(3) He has received a doctorate degree in psychology from an educational institution accredited and recognized by national and regional accrediting agencies as maintaining satisfactory standards or, in lieu of said degree, a doctorate degree in a closely allied field, if the training received therefor is substantially similar to that required of doctorates obtained from departments of psychology;

"(4) He is competent in psychology as shown by the passing of an examination, unless exempted pursuant to subsection (c), substantially equivalent to the examinations prescribed in subsection (a) hereof, or by the passing of a recognized national examination in psychology;

"(5) He is not engaged in unethical practice as defined in the code of ethics of the American Psychological Association;

"(6) He has practiced psychology in another state at least four consecutive years prior to application; and

"(7) That such other state under which he is licensed gives similar recognition and reciprocal licensing to licensed psychologists of this state.

"(c) The board shall issue a license to any doctoral degree applicant who is otherwise qualified without examination who is licensed in at least two states and who has passed a recognized national exam."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Willis and Wren.

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### **AMENDMENT OFFERED**

Representative Carothers offered the following amendment to the bill, S. 86, as amended:

On page 5, line 22, delete the following underlined letter: "(a)"

On page 6, lines 25 to 26, inclusive, and on page 7, lines 1 to 5, inclusive, delete subsection (b) in its entirety.

### **AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Willis and Wren.

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And the bill, S. 86, as amended, was read a third time at length and passed.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

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## **S. 85 TAKEN UP**

And the bill:

S. 85. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners in Psychology.

which was carried over on the twentieth legislative day was taken up.

**AMENDMENT OFFERED**

Representative Carothers offered the following amendment to the bill, S. 85:

On page 2, after line 14, insert the following language as a new Section 4 and renumber existing sections accordingly:

Section 4. Notwithstanding any other provision of law to the contrary, during the calendar year following the effective date of this act, the Alabama Board of Examiners in Psychology shall meet with the Alabama Association of Masters in Psychology and any other affected parties to develop a licensure procedure for the licensing of persons holding a master's degree in psychology. The results of the meetings and resultant procedure shall be submitted to the Legislature.

**AMENDMENT TABLED**

On motion of Representative Mitchell, the amendment offered by Representative Carothers to the bill, S. 85, was tabled.

Yeas 56; Nays 23.

Yea:

Representatives Allen, Box, Burke, Buskey, Carns, Clark (W), Curry, Dukes, Ford, Fuller, Gaines, Galliher, Gipson, Guin, Hall (A), Haney, Hawk, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Kennedy, Knight (A), McAdory, McDaniel, Melton, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Robinson, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Venable, Warren, Willis and Wren.

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Nay:

Mr. Speaker, Black (M), Carothers, Clouse, Collins, Dolbare, Drake, Flowers, Graham, Hall (L), Hammett, Hawkins, Hill, Johnson (R), McKee, McMillan, Millican, Minnifield, Rogers (M), Starkey, Turnham, Vance and White.

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**H. 904 REREFERRED**

No objection being offered, the Speaker rereferred the bill, H. 904, from the Standing Committee on Judiciary to the Standing Committee on Health.

**H. 917 REREFERRED**

No objection being offered, the Speaker rereferred the bill, H. 917, from the Standing Committee on Judiciary to the Standing Committee on Health.

**S. 85 RESUMED**

**AMENDMENT OFFERED**

Representative Turnham offered the following amendment to the bill, S. 85:

On page 2, line 5, after the word "Psychology" and on page 2, line 13, after the word "continued", insert the following language: until October 1, 1997

**MOTION TO TABLE LOST**

The motion offered by Representative Rogers (J) to table the amendment offered by Representative Turnham to the bill, S. 85, was lost.

Yeas 39; Nays 47.

Yea:

Representatives Allen, Burke, Buskey, Carns, Clark (W), Curry, Dukes, Fuller, Gaines, Hall (A), Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Holmes, Houston, Kennedy, McAdory, McDaniel, Melton, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (T), Payne, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Spratt, Thomas (D), Townsend and Wren.

-39

Nay:

Mr. Speaker, Black (M), Box, Carothers, Clouse, Collins, Dean, Dolbare, Drake, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Hogan, Jackson, Johnson (R), Jorgensen, Laird, Layson, McKee, McMillan, Millican, Minnifield, Mitchell, Morrison, Newton (C), Penry, Perdue, Petelos, Pringle, Rogers (M), Sims, Smith, Starkey, Thomas (J), Turner, Turnham, Vance, Venable, Warren, White and Willis.

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**AMENDMENT ADOPTED**

The question was then on the adoption of the amendment offered by Representative Turnham to the bill, S. 85, and the amendment was adopted.

Yeas 77; Nays 17.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Galliher, Gaston, Gipson, Graham, Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Newton (C), Newton (D), Page, Penry, Perdue, Petelos, Pringle, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, White and Willis.

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Nay:

Representatives Allen, Carns, Fuller, Gaines, Guin, Haney, Hinshaw, Knight (A), Murphree, Papucci, Parker (T), Payne, Robinson, Rogers (J), Sanderson, Townsend and Wren.

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And the bill, S. 85, as amended, was read a third time at length and passed.

Yeas 97; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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**MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Thomas (D), the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, S. 272.

Yeas 70; Nays 0.

Yea:

Representatives Allen, Baker, Black (M), Burke, Carns, Clouse, Collins, Curry, Dean, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Warren, White, Willis and Wren.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Thomas (D), the Budget Isolation Resolution relating to the bill, S. 272, was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

S. 272. (With Substitute): To amend Sections 12-15-1 and 12-15-58 of the Code of Alabama 1975, to exclude the violation of juvenile curfew ordinances from the definition of a delinquent act; and to provide that a child being held for the violation of a municipal curfew ordinance be held in a curfew detention facility.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary to the bill, S. 272, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Sections 12-15-1 and 12-15-58 of the Code of Alabama 1975, to exclude the violation of juvenile curfew ordinances from the definition of a delinquent act; and to provide that a child being held for the violation of a municipal curfew ordinance be held in a curfew detention facility.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 12-15-1 of the Code of Alabama 1975, is amended to read as follows:

"§12-15-1.

"When used in this chapter, the following words and phrases shall have the following meanings, respectively, unless the context clearly indicates otherwise:

"(1) ADULT. An individual 19 years of age or older.

"(2) AFTERCARE. Such conditions and supervision as the court orders after release of legal custody.

"(3) CHILD. An individual under the age of 18, or under 19 years of age and before the juvenile court for a matter arising before that individual's 18th birthday.

"(4) CHILD IN NEED OF SUPERVISION. A child who:

    . "a. Being subject to compulsory school attendance, is habitually truant from school; or

    "b. Disobeys the reasonable and lawful demands of the child's parents, guardian, or other custodian and is beyond their control; or

c. Has committed an offense established by law but not classified as criminal or one applicable only to children; and

"d. In any of the foregoing, is in need of care or rehabilitation.

"(5) COMMIT. Transfer legal and physical custody.

"(6) CONSENT DECREE. An order, entered after the filing of a delinquency petition and before the entry of an adjudication order, suspending the proceedings and continuing the case of the child under supervision in the child's own home, under terms and conditions agreed to by all parties concerned.

"(7) COURT or JUVENILE COURT. The juvenile division of the district court or the juvenile division of the circuit court as established by this chapter.

"(8) DELINQUENT ACT. An act committed by a child that is designated a violation, misdemeanor, or felony offense under the law of this state or of another state if the act occurred in another state or under federal law or a violation of a municipal ordinance except violations of municipal curfew ordinances. Provided, that the term shall not include traffic offenses committed by one 16 years of age or older, other than those charged pursuant to Section 32-5A-191 or a municipal ordinance prohibiting the same conduct. Provided, further, the term shall not include any criminal act, offense, or violation committed by a child who has previously been transferred for criminal prosecution pursuant to Section 12-15-34 and convicted or adjudicated a youthful offender on the criminal charge.

"(9) DELINQUENT CHILD. A child who has committed a delinquent act and is in need of care or rehabilitation.

"(10) DEPENDENT CHILD. A child:

"a. Who, for any reason is destitute, homeless, or dependent on the public for support; or

"b. Who is without a parent or guardian able to provide for the child's support, training, or education; or

"c. Whose custody is the subject of controversy; or

"d. Whose home, by reason of neglect, cruelty, or depravity on the part of the parent, parents, guardian, or other person in whose care the child may be, is an unfit and improper place for the child; or

"e. Whose parent, parents, guardian, or other custodian neglects or refuses, when able to do so or when such service is offered without charge, to provide or allow medical, surgical, or other care necessary for the child's health or well-being; or

"f. Who is in ~~such~~ a condition or surroundings or is under ~~such~~ improper or insufficient guardianship or control as to endanger the morals, health, or general welfare of the child; or

"g. Who has no proper parental care or guardianship; or

"h. Whose parent, parents, guardian, or custodian fails, refuses, or neglects to send the child to school in accordance with the terms of the compulsory school attendance laws of this state; or

"i. Who has been abandoned by the child's parents, guardian, or other custodian; or

"j. Who is physically, mentally, or emotionally abused by the child's parents, guardian, or other custodian or who is without proper parental care and control necessary for the child's well-being because of the faults or habits of the child's parents, guardian, or other custodian or their neglect or refusal, when able to do so, to provide them; or

"k. Whose parents, guardian, or other custodian are unable to discharge their responsibilities to and for the child; or

"l. Who has been placed for care or adoption in violation of the law; or

"m. Who for any other cause is in need of the care and protection of the state; and

"n. In any of the foregoing, is in need of care or supervision.

"(11) DETENTION CARE. The temporary care of delinquent children or children alleged to be delinquent in secure custody pending court disposition or transfer to a residential facility or further care of a child adjudicated a delinquent.

"(12) GUARDIAN AD LITEM. A licensed lawyer appointed by a court to defend or represent a child in any action to which such child may be a party.

"(13) INTAKE OFFICE. The office in the probation service or designee of the judge with the duty of primary contact with the law enforcement agency and complainants of children coming under the jurisdiction of the court.

"(14) JUDGE. Judge of the juvenile court as prescribed by this chapter.

"(15) LAW ENFORCEMENT OFFICER. Any person, however denominated, who is authorized by law to exercise the police powers of the state or local governments.

"(16) LEGAL CUSTODIAN. A person, agency, or department, other than a parent or legal guardian, to whom legal custody of the child has been given by court order or who is acting in loco parentis.

"(17) **LEGAL CUSTODY.** A legal status created by court order which vests in a custodian the right to have physical custody of the child and to determine where and with whom the child shall live within the state and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, clothing, education, and ordinary medical care, all subject to the powers, rights, duties, and responsibilities of the guardian of the person of the child and subject to any residual parental rights and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by the juvenile court.

"(18) **MINOR.** An individual who is under the age of 19 years and who is not a "child" within the meaning of this chapter.

"(19) **MULTIPLE NEEDS CHILD.** A child coming to the attention of the court or one of the entities listed herein who is at imminent risk of out-of-home placement or a placement in a more restrictive environment, as a result of the conditions of emotional disturbance, behavior disorder, mental retardation, mental illness, dependency, chemical dependency, educational deficit, lack of supervision, delinquency, or physical illness or disability, or any combination thereof, and whose needs require the services of two or more of the following entities: Department of Youth Services, public school system (services for exceptional needs), Department of Human Resources, Department of Public Health, juvenile court probation services, or Department of Mental Health and Mental Retardation.

"(20) **PROBATION.** The legal status created by court order following an adjudication of delinquency or in need of supervision whereby a child is permitted to remain in a community subject to supervision and return to court for violation of probation at any time during the period of probation.

"(21) **PROTECTIVE SUPERVISION.** A legal status created by court order following an adjudication of dependency whereby a child is permitted to remain in the child's home subject to supervision and to return to the court for violation of protective supervision at any time during the period of protective supervision.

"(22) **RESIDENTIAL FACILITY.** A dwelling, other than a detention or shelter care facility, providing living accommodations, care, treatment, and maintenance for children, including institutions, foster family homes, group homes, half-way houses, and forestry camps, and, where not operated by a public agency, licensed, or approved to provide such care.

"(23) **RESIDUAL PARENTAL RIGHTS AND RESPONSIBILITIES.** Those rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including, but not necessarily limited to, the right of visitation, the right to consent to adoption, the right to determine religious affiliation, and the responsibility for support.

"(24) SHELTER CARE. The temporary care of children in group homes, foster care, or other nonpenal facilities."

Section 2. Section 12-15-58 of the Code of Alabama 1975, is amended to read as follows:

"§12-15-58.

"(a) A person taking a child into custody shall, with all possible speed, and in accordance with ~~the provisions of~~ this chapter and the rules of court pursuant thereto:

"(1) Release the child to ~~such~~ the child's parents, guardian, custodian or other suitable person able and willing to provide supervision and care for ~~such~~ the child and issue oral counsel and warning as may be appropriate;

"(2) Release the child to the child's parents, guardian or custodian upon their promise to bring the child before the court when requested, unless the child's placement in detention or shelter care appears required;

"(3) Bring the child, if not released, to the intake office of probation services or deliver the child to a place of detention or shelter care designated by the court and, in the most expeditious manner possible, give notice of the action taken, together with a statement of the reasons for taking the child into custody, in writing to the intake office, to the court and to the parent, guardian or other custodian of the child and, in the case of dependency, to the Department of Human Resources, except in the case of a juvenile being taken into custody for a violation of a municipal curfew ordinance. In curfew violation cases, if the child is not released, the child may be taken to a facility which has been previously approved by the court as a curfew detention facility. A child taken to a curfew detention facility shall be released within eight hours.

"(b) Whenever a child, taken into custody pursuant to ~~the provisions of~~ this chapter, is brought to a shelter or other care facility established or approved by the Department of Human Resources or the Department of Youth Services or to the intake office, the person in charge of ~~such~~ the intake office or the representative of the Department of Human Resources, prior to admitting the child for care, shall review the need for detention or shelter care and shall release the child unless detention or shelter care is required under Section 12-15-59 or has been ordered by the court.

"(c) A person taking a child into custody pursuant to ~~the provisions of~~ subdivisions (1) and (7) of Section 12-15-56 shall bring the child to the place of detention or shelter care or to the intake office which shall thereupon proceed in accordance with ~~the provisions of~~ this chapter.

"(d) A person taking a child into custody pursuant to subdivision (4) of Section 12-15-56 shall bring the child to a medical or mental health facility

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designated by the court if the child is believed to be suffering from a serious mental health condition, illness, or injury which requires either prompt treatment or prompt diagnosis for the child's welfare or for evidentiary purposes, and, in the most expeditious manner possible, give notice of the action taken together with a statement of taking the child into custody in writing to the court, the parents, guardian or other custodian and to the intake office and to the Department of Human Resources in the case of a dependency allegation.

Section 3. This act is applicable to municipal curfew violations occurring after its effective date and municipal curfew violations occurring on or before this act's effective date shall be governed by preexisting law.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

**SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill, S. 272, as amended, was read a third time at length and passed.

Yeas 94; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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### MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 208. To amend Section 32-5A-191 and Section 32-5A-194 of the Code of Alabama 1975, as amended by Act No. 95-784 S. 338, 1995 Regular Session (Acts 1995, p. 1862), relating to driving under the influence of alcohol and drugs; to prohibit the operation of a motor vehicle by a school bus or day care driver while in performance of their duties with greater than .02 percentage or more by weight of alcohol in his or her blood to provide that fines collected for violations resulting from arrests by county or municipal officers shall be disbursed as provided by law; to provide penalties; and to provide for the approval of permits by the Department of Forensic Sciences.

McDOWELL LEE  
Secretary

### SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.



**SPECIAL ORDER CALENDAR RESUMED**

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Venable, the Budget Isolation Resolution relating to the bill, H. 783, was adopted.

Yeas 74; Nays 7.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Willis and Wren.

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Nay:

Representatives Box, Hogan, Knight (A), Millican, Mitchell, Perdue and Sanderford.

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And the bill:

H. 783. To repeal Sections 41-20-1 to 41-20-12, inclusive, and 41-20-14 to 41-20-16, inclusive, Code of Alabama 1975, the Alabama Sunset Law of 1981, as amended.

was taken up.

**SUBSTITUTE OFFERED**

Representative Venable offered the following substitute to the bill, H. 783:

**A BILL  
TO BE ENTITLED  
AN ACT**

To establish the Joint Legislative Committee on Agency Review to periodically review the operations and usefulness of state departments, boards,

commissions, and agencies; to provide for the membership, terms, powers, duties, and compensation of the committee; to provide for the assistance of certain legislative agencies; to provide certain procedures for a terminated agency; and to specifically repeal Sections 41-20-1 to 41-20-12, inclusive, and Sections 41-20-14 to 41-20-16, inclusive, Code of Alabama 1975.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. The Joint Legislative Committee on Agency Review is created.

Section 2. The committee shall be constituted as follows: Five members of the Alabama Senate and five members of the Alabama House of Representatives appointed by the respective presiding officers. The chair shall be elected from among members of the committee, alternating between a house member and a senate member. Members shall serve at the pleasure of the appointing authority during their legislative terms, and successors shall be appointed each quadrennium.

Section 3. Each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. Notwithstanding the foregoing, no member shall receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business.

Section 4. The committee shall, during each quadrennium, review the governance, financial transactions, efficiency, powers, duties, functions, and response to the public need of each department, council, board, commission, division, bureau, or other entity of the State of Alabama established by law. These entities, for purposes of this act, shall be referred to as agencies. Agencies may be reviewed more often by a majority vote of the committee.

Section 5. Each agency shall cooperate with the committee and timely furnish any and all information requested. The Department of Examiners of Public Accounts, the Legislative Reference Service, and the Legislative Fiscal Office shall furnish to the committee, upon request of the committee, any relevant information including the results of prior audits and reviews of any agency.

Section 6. The committee shall make an annual report to the Legislature no later than the fifth legislative day of each regular session. The committee may, when it deems necessary, submit legislation to terminate or modify any agency which it has reviewed.

Section 7. All proceedings of the committee shall be held in public with every effort made to alert the general public concerning the time and place of hearings and allow public input when feasible.

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Section 8. Upon enactment of any law terminating an agency, the agency shall conduct no further business except to administratively conclude its affairs. Unless specified otherwise in a termination act, an agency shall terminate September 30 following passage of a termination act. On the termination date, or sooner, all agency personnel positions shall be abolished, all agency funds shall revert to the fund from which it was appropriated, and all property shall be allocated as provided by law. Any license issued by a terminated agency shall expire on the termination date of the agency.

Section 9. Sections 41-20-1 to 41-20-12, inclusive, and Sections 41-20-14 to 41-20-16, inclusive, Code of Alabama 1975, are repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

**SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 72; Nays 6.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Carns, Carothers, Clouse, Collins, Dean, Dolbare, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representatives Box, Buskey, Curry, Hogan, Kennedy and Millican.

- 6

**AMENDMENT OFFERED**

Representative Wren offered the following amendment to the bill, H. 783, as amended:

On page 3, line 15, delete the comma and insert the following: review once

On page 3, line 15, delete the word "during"

On page 3, line 16, delete the comma and the word "review"

### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 67; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McKee, Minnifield, Moore, Morrison, Morton, Newton (C), Papucci, Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Rogers (M), Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representative Millican.

- 1

### AMENDMENT OFFERED

Representative Curry offered the following amendment to the bill, H. 783, as amended:

On page 2, lines 24 and 25, delete the language "appointed by the respective presiding officers." and insert in lieu thereof the following: elected by the members of their respective house.

### AMENDMENT ADOPTED

And the amendment was adopted.

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Yeas 75; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Carns, Carothers, Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Newton (C), Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Vance, Venable, Warren, Willis and Wren.

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And the bill:

H. 783. To establish the Joint Legislative Committee on Agency Review to periodically review the operations and usefulness of state departments, boards, commissions, and agencies; to provide for the membership, terms, powers, duties, and compensation of the committee; to provide for the assistance of certain legislative agencies; to provide certain procedures for a terminated agency; and to specifically repeal Sections 41-20-1 to 41-20-12, inclusive, and Sections 41-20-14 to 41-20-16, inclusive, Code of Alabama 1975.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 76; Nays 8.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Carns, Carothers, Clouse, Collins, Crigler, Dean, Dolbare, Drake, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morton, Newton (C), Papucci, Parker (T), Payne, Penry, Perdue, Pringle, Reed, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representatives Box, Curry, Hogan, Knight (A), McDaniel, Millican, Petelos and Sanderford.

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**CO-SPONSORS ADDED**

The following were added as co-sponsors to the bill, H. 783, as amended:

Representatives Allen, Baker, Clark (J), Collins, Drake, Dukes, Ford, Galliher, Gipson, Hammett, Haney, Hayden, Hill, Holmes, Houston, Jackson, Johnson (E), McDaniel, McKee, Minnifield, Newton (C), Parker (T), Reed, Rogers (M), Sanderford, Sanderson, Smith, Starkey, Vance, Willis and Wren.

**RESOLUTIONS**

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Melton, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

**H.R. 411. COMMENDING SHELTON STATE PRESIDENT DR. THOMAS E. UMPHREY AS RECIPIENT OF THE 1995 NATIONAL PACESETTER AWARD.**

Also:

The following resolution was introduced:

By Representatives Sims, Willis, Boyd and Rogers (M):

**H.J.R. 412. ANNISTON ARMY DEPOT, CONGRESS URGED TO KEEP 60-40 RULE INTACT, PRESIDENT URGED TO ADHERE TO SPIRIT AND INTENT OF BASE REALIGNMENT AND CLOSURE COMMISSION.**

The resolution, H.J.R. 412, was read and referred to the Standing Committee on Rules.

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**RECESS**

The hour of 12:00 o'clock Noon having arrived and pursuant to the motion heretofore adopted, the House recessed until 1:00 o'clock p.m.

**HOUSE RECONVENED**

The hour of 1:00 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 783. To establish the Joint Legislative Committee on Agency Review to periodically review the operations and usefulness of state departments, boards, commissions, and agencies; to provide for the membership, terms, powers, duties, and compensation of the committee; to provide for the assistance of certain legislative agencies; to provide certain procedures for a terminated agency; and to specifically repeal Sections 41-20-1 to 41-20-12, inclusive, and Sections 41-20-14 to 41-20-16, inclusive, Code of Alabama 1975.

**TOMMY CARTER**  
Chairman

And the bill, H. 783, as engrossed, was ordered sent to the Senate.

**H. 546 TAKEN UP**

And the bill:

H. 546. To amend Sections 23-1-271, 23-1-272, 23-1-273, and 23-1-274, as amended by Act 95-566, H. 547, 1995 Regular Session (Acts 1995, p. 1182); 23-1-278, 23-1-279, and 23-1-280 as amended by Act 95-566, H. 547, 1995 Regular Session (Acts 1995, p. 1182), of the Code of Alabama 1975, relating to outdoor signs regulated by the Highway Beautification Act-Outdoor Advertising to provide for the prohibition of signs adjacent to scenic byways; to provide for the spacing of signs allowed by the act; to add the National Highway System to the highways covered by the act; and to convert measurements to metric units.

as amended, on the eleventh legislative day was taken up.

**SUBSTITUTE OFFERED**

Representative McDaniel offered the following substitute to the bill, H. 546, as amended:

**A BILL  
TO BE ENTITLED  
AN ACT**

To amend Sections 23-1-271, 23-1-272, 23-1-273, and 23-1-274, as amended by Act 95-566, H. 547, 1995 Regular Session (Acts 1995, p. 1182); 23-1-278, 23-1-279, and 23-1-280 as amended by Act 95-566, H. 547, 1995 Regular Session (Acts 1995, p. 1182), of the Code of Alabama 1975, relating to outdoor signs regulated by the Highway Beautification Act-Outdoor Advertising to provide for the prohibition of signs adjacent to scenic byways; to provide for the spacing of signs allowed by the act; and to add the National Highway System to the highways covered by the act.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Sections 23-1-271, 23-1-272, 23-1-273, and 23-1-274, as amended by Act 95-566, H. 547, 1995 Regular Session (Acts 1995, p. 1182); 23-1-278, 23-1-279, and 23-1-280 as amended by Act 95-566, H. 547, 1995 Regular Session (Acts 1995, p. 1182), of the Code of Alabama 1975, are amended to read as follows:

"§23-1-271.

"For the purposes of this division, unless otherwise indicated, the following terms shall have the meanings respectively ascribed to them by this section:

"~~(4)~~ (1) **ADJACENT AREA.** An area which is adjacent to and within 660 feet of the nearest edge of the right-of-way of any interstate, ~~or primary, or National Highway System~~ highway, which 660 feet distance shall be measured horizontally along a line normal or perpendicular to the centerline of the highway.

"~~(1)~~ (2) **BUSINESS AREA.** Any part of an adjacent area which is at any time zoned for business, industrial, or commercial activities under the authority of any law of this state or not zoned, but which constitutes an unzoned commercial or industrial area as defined in this section.

"~~(2)~~ (3) **CENTERLINE OF THE HIGHWAY.** A line equidistant from the edges of the median separating the main-traveled ways of a divided highway or the centerline of the main-traveled way of a nondivided highway.

"~~(11)~~ (4) **COMMERCIAL OR INDUSTRIAL ACTIVITIES FOR PURPOSES OF UNZONED INDUSTRIAL AND COMMERCIAL AREAS.** Those activities generally recognized as commercial or industrial by local zoning authorities in this state, except that none of the following activities shall be considered commercial or industrial:



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"a. Outdoor advertising structures;\_

"b. Agricultural, forestry, ranching, grazing, farming, and similar activities, including but not limited to, wayside fresh produce stands;\_

"c. Activities normally or regularly in operation less than three months of the year;\_

"d. Transient or temporary activities;\_

"e. Activities not visible from the main-traveled way;\_

"f. Activities more than 660 feet from the nearest edge of the right-of-way;\_

"g. Activities conducted in a building principally used as a residence;\_

"h. Railroad tracks and minor sidings;\_or\_

"i. Areas which are predominantly used for residential purposes.

"~~(3)~~ (5) DIRECTOR. The State of Alabama Highway Transportation Department.

"~~(5)~~ (6) ERECT. To construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish, but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance of the sign structure.

"~~(13)~~ (7) INFORMATION CENTER. An area or site established or maintained at safety rest areas for the purpose of informing the public of places of interest within the state and providing ~~such~~ other information as the director may consider necessary.

"~~(6)~~ (8) INTERSTATE HIGHWAY. Any highway at any time officially designated as a part of the national system of interstate and defense highways by the director and approved by the appropriate authority of the federal government.

"~~(7)~~ (9) MAINTAIN. To allow to exist.

"~~(14)~~ (10) MAIN-TRAVELED WAY. The through traffic lanes exclusive of frontage roads, auxiliary lanes, and ramps.

"~~(16)~~ (11) MOTORIST DIRECTIONAL SIGNS. Any signs, displays, or devices giving directional information pertaining to food services, lodging, gasoline and automotive services, resorts, attractions, campgrounds, truck stops, natural wonders, scenic and historical sites, and areas suited for outdoor recreation.

"(12) NATIONAL HIGHWAY SYSTEM (NHS). Any highway at any time officially designated as a part of the National Highway System by the director, and approved by the appropriate authority of the federal government.

~~"(8)~~ (13) PRIMARY HIGHWAY. Any highway, other than an interstate highway, at any time officially designated as a part of the federal-aid primary system by the director and approved by the appropriate authority of the federal government.

~~"(17)~~ (14) REMOVING AUTHORITY. Any governmental entity.

~~"(9)~~ (15) SIGN. Any outdoor advertising sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of any portion of an interstate highway or primary highway.

~~"(12)~~ (16) SAFETY REST AREAS. An area or site established or maintained within or adjacent to the right-of-way by or under public supervision or control for the convenience of the traveling public.

~~"(15)~~ (17) URBAN AREA. An urbanized area ~~se~~ designated by the bureau of the census, within boundaries fixed by responsible state and local officials, subject to approval by the Secretary of the United States Department of Transportation, or an urban place as designated by the Bureau of the Census having a population of 5,000 or more and not within any urbanized area, within boundaries fixed by responsible state and local officials, subject to approval by the Secretary of the United States Department of Transportation.

~~"(10)~~ (18) AN UNZONED COMMERCIAL, BUSINESS OR INDUSTRIAL AREA. The land occupied by the regularly used building, parking lot, storage, or processing area of a commercial, business or industrial activity, and the land within 600 feet thereof on each side of the highway. The unzoned area shall not include any of the following:

"a. Land on the opposite side of an interstate, ~~or~~ primary freeway, or National Highway System highway from an unzoned commercial, business or industrial area, as defined above;

"b. Land predominantly used for residential purposes;

c. Land zoned by state or local law, regulation, or ordinance;

"d. Land on the opposite side of a nonfreeway primary or National Highway System highway which is determined scenic by the Department of ~~Highways~~ Transportation.

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"All measurement shall be from the outer edges of the regularly used buildings, parking lots, storage, or processing areas of the commercial or industrial activities, not from the property lines of the activities, unless ~~said~~ the property lines coincide with the limits of the regularly used buildings, parking lots, storage, or processing areas and shall be along or parallel to the edge or pavement of the highway.

"§23-1-272.

"The legislature hereby finds and declares all of the following:

"(1) That outdoor advertising is a legitimate commercial use of private property adjacent to roads and highways;

"(2) That the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to interstate highways, ~~and~~ primary highways, and highways on the National Highway System should be regulated in order to protect the public investment in ~~such~~ the highways, to promote the recreational value of public travel, to preserve natural beauty, and to promote the reasonable, orderly and effective display of ~~such~~ signs, displays, and devices;

"(3) That outdoor advertising is an integral part of the business and marketing function and an established segment of the national economy and should be allowed to operate in business areas;

"(4) Regulatory standards set forth in Section 23-1-274 are consistent with customary use in this state and will properly and adequately carry out each and all of the purposes of this division; ~~and~~

"(5) Motorist directional signs are essential to the economic interests of the state and the interests of the traveling public; therefore, no motorist directional sign not otherwise permitted under Section 23-1-273 shall be removed on a statewide basis, unless by mutual agreement between the sign owner and the State Highway Transportation Department, until all other nonconforming signs are removed."

"§23-1-273.

"No sign shall, subject to ~~the provisions of~~ Section 23-1-274, be erected or maintained in an adjacent area after February 10, 1972, nor shall any outdoor advertising sign, display or device with the purpose of its message being read from the main-traveled way of an interstate highway, ~~or~~ primary, or National Highway System highway be erected after April 11, 1978, outside of an urban area beyond 660 feet of the nearest edge of right-of-way of an interstate, ~~or~~ primary, National Highway System highway, except the following:

"(1) Directional and official signs, including, but not limited to, signs pertaining to natural wonders, scenic and historical attractions, safety rest areas

and information centers, which are authorized by the director, under promulgated rule, and which comply with regulations promulgated by the director relative to their lighting, size, number, spacing, and other ~~such~~ requirements as may be appropriate to implement this division; provided, that ~~such~~ the regulations shall not be inconsistent with, nor more restrictive than, ~~such~~ national standards as which may be promulgated from time to time by the Secretary of Transportation of the United States pursuant to subsection (c) of Section 131, of Title 23, United States Code.

"(2) Signs lawfully in existence on October 22, 1965, determined by the state, subject to the concurrence of the United States Secretary of Transportation, to be landmark signs, including signs on farm structures, or natural surfaces of historic or artistic significance, the preservation of which would be consistent with the purposes of this section.

"(3) Signs advertising the sale or lease of property upon which they are located.

"(4) Signs advertising activities conducted on the property on which they are located. For the purposes of this subdivision, the promotion of activities at other locations or the dissemination of information about activities conducted upon other property shall not be considered activities conducted on the property on which a sign is located.

"(5) Signs located in business areas on February 10, 1972, and signs to be erected in business areas subsequent to February 10, 1972, which when erected, will comply with ~~the provisions of~~ Section 23-1-274; ~~provided, that no~~. No advertising, sign, display, or device with the purpose of its message being read from the main-traveled way shall be erected after April 11, 1978, outside an urban area beyond 660 feet of the edge of the right-of-way of an interstate, or primary, or National Highway System highway, whether located in a business area or not. No signs whose advertising or informative content is visible from the main-traveled way shall be erected after April 1, 1996, adjacent to a highway which is designated as a scenic byway provided that this prohibition shall not apply to segments of a scenic byway included for continuity purposes only after a determination by the department that the segment does not itself qualify.

"(6) Signs or devices which advertise or designate exclusively the location of the facilities of any public utility located along the interstate, or primary, or National Highway System highway for the convenience or protection of the using public or the protection of the facilities of the public utility.

"(7) Motorist directional signs lawfully erected and in existence on May 5, 1976, which do not conform to requirements of present state laws and whose removal would work a substantial economic hardship in a specific or defined area. The State Highway Transportation Department, upon receipt of a petition, declaration, or resolution from any state, county, or municipal agency, from any industry association or any group of private business persons or their employees,

claiming that the removal of ~~such the~~ motorist directional signs would work a substantial economic hardship in specific or defined areas, shall forward ~~such the~~ petition, declaration or resolution to the United States ~~secretary~~ Secretary of Transportation Transportation to approve retention of ~~such the~~ motorist directional signs.

"§23-1-274.

"The director shall effectively control, or cause to be controlled, the erection and maintenance of outdoor advertising signs, displays and devices in all business areas that are erected subsequent to February 10, 1971. Whenever a bona fide state, county, or local zoning authority has made a determination of customary use as to size, lighting, and spacing, ~~such the~~ determination may be accepted in lieu of controls by agreement in the zoned commercial and industrial area within the geographical jurisdiction of ~~such an~~ authority. In all other controlled commercial and industrial areas, the criteria set forth below shall apply:

"(1) SIZE OF SIGNS.

"a. For sign structures erected after July 15, 1995, the maximum area for any one sign shall be 672 square feet with a maximum height of 14 feet and a maximum length of 48 feet, inclusive of any border and trim on the sign face, but excluding any embellishment on and cut-out extension of the sign face, the base or apron, supports, and other structural members. For sign structures lawfully in existence on or before July 15, 1995, the maximum area for any one sign shall be 1,200 square feet with a maximum height of 30 feet and a maximum length of 60 feet, inclusive of any border and trim, but excluding the base or apron, supports, and other structural members.

"b. The area shall be measured by the smallest square, rectangle, triangle, or circle or combination thereof which will encompass the entire sign.

"c. Sign structures erected after July 15, 1995 may contain one or two signs per facing and may use only a side-by-side, back-to-back, or V-type configuration, and may use no other configuration; ~~provided, that if.~~ If two signs are used facing the same direction, the aggregate total area shall not exceed 672 square feet. Sign structures lawfully in existence on or before July 15, 1995 may contain one or two signs per facing and may be placed double-faced, back-to-back, or V-type; ~~provided, that if.~~ If two signs are used facing the same direction, the aggregate total area shall not exceed 1,200 square feet.

"(2) LIGHTING.

"a. Signs shall not be erected or maintained which contain, include or are illuminated by any flashing, intermittent or moving lights, except those giving public service information such as, but not limited to, time, date, temperature, weather, or news.

"b. Signs shall not be erected or maintained which are not effectively shielded ~~so as~~ to prevent beams or rays of light from being directed at any portion of traveled way of any interstate, ~~or primary, or National Highway System~~ highway and are of ~~such an~~ intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle.

"c. Signs shall not be erected or maintained which shall be ~~so~~ illuminated so that they obscure or interfere with any official traffic sign, device, <sub>1</sub> or signal.

"(3) SPACING.

"a. Signs shall not be erected or maintained in ~~such~~ a manner as to obscure, or otherwise physically interfere with an official traffic sign, signal, <sub>1</sub> or device, <sub>1</sub> or which obstructs or physically interferes with the driver's view of approaching, merging, <sub>1</sub> or intersecting traffic.

"b. Signs shall not be erected or maintained which do not comply with all applicable county or municipal codes and ordinances, including, but not limited to, zoning, buildings, <sub>1</sub> and sign codes, as locally interpreted, applied, <sub>1</sub> and enforced.

"c. Signs shall not be erected or maintained closer to another sign other than a sign described in subdivisions (1), (2), (3) and ~~(5)~~ (6) of Section 23-1-273 than the following prescribed distances. These spacing provisions do not apply to signs separated by buildings or other obstructions in ~~such a~~ manner that only one sign located within the above spacing distance is visible from the highway at any ~~one~~ time. The minimum distance between signs shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway.

"1. On all interstate highways and freeway primary, and National Highway System highways, there ~~must~~ shall be at least 500 feet between sign structures on the same side of the highway.

"2. On interstate highways and freeway primary, and National Highway System highways located outside the zoning authority of incorporated cities, no sign structure is permitted adjacent to or within 500 feet of an interchange or intersection at grade or safety roadside rest areas. ~~Such~~ The distances shall be measured along the highway to the nearest point of beginning or ending of pavement widening at the exit from or entrance ~~to~~ the main-traveled way.

"3. On primary and National Highway System highways located outside the zoning authority of incorporated cities, for sign structures erected after July 15, 1995, there ~~must~~ shall be at least 500 feet between sign structures on the same side of ~~such the~~ highway, and for sign structures lawfully in existence on or before July 15, 1995, there ~~must~~ shall be at least 300 feet between sign structures on the same side of ~~such the~~ highway.

"4. On primary and National Highway Systems highways located within the zoning authority of incorporated cities, for sign structures erected after July 15, 1995, there ~~must shall~~ be at least 500 feet between sign structures on the same side of ~~such the~~ highway, and for sign structures lawfully in existence on or before July 15, 1995, there ~~must shall~~ be at least 100 feet between sign structures on the same side of ~~such the~~ highway.

"(4) GENERAL.

"a. Signs shall not be erected or maintained which imitate or resemble any official traffic sign, signal, or device.

"b. Signs shall not be erected or maintained upon trees, or painted or drawn upon rocks or other natural features.

"c. Signs shall not be erected or maintained which are structurally unsafe or in substantial disrepair.

"d. Signs which are obsolete shall be removed.

"§23-1-278.

"(a) Any sign erected or maintained in an adjacent area after February 10, 1972, and any outdoor advertising sign, display, or device erected with the purpose of its message being read from the main-traveled way of any interstate highway, ~~or primary, or National Highway System~~ highway outside of an urban area and beyond 660 feet of the right-of-way after April 11, 1978, in violation of ~~the provisions of this division or the rules and regulations promulgated under the provisions of this division~~ may be removed by the director upon 30 days' prior notice by certified or registered mail to the owner thereof and to the owner of the land on which ~~said the~~ sign is located or through court proceedings at the option of the director. No notice shall be required to be given to the owner of the sign or to a property owner whose name is not stated on the sign or on the structure on which it is displayed or whose address is not stated thereon and is not on file with the director.

"(b) The courts of this state shall have jurisdiction, in accordance with ~~the provisions of~~ Sections 6-6-220 through 6-6-232, over actions for declaratory judgment, initiated by the director, the owners of signs or the owners of property on which signs are located, to determine and adjudicate controversies arising under or out of the enforcement of this division and to set forth the rights, duties, and responsibilities of the various parties arising under this division, including decrees of injunction and ordering removal of signs. In addition the courts of this state shall have ~~such~~ injunctive powers ~~as may be necessary to enforce or compel compliance with the provisions of this division~~ in cases filed by the director for injunction in the enforcement of this division, including the power to enjoin the continuing maintenance of any sign erected or maintained in violation of ~~the provisions of this division and the removal of any such signs on complaint filed by~~

the director. Proceedings hereunder being largely equitable in nature, the courts shall set forth the rights, duties, and responsibilities of the parties under this division on the facts presented without intervention of a jury except as ~~may be~~ otherwise provided by statute or the Constitution of Alabama. In the event a sign or signs involved in any proceeding hereunder are found to be maintained, permitted to exist, or erected in violation of ~~any of the provisions of~~ this division, the court trying the cause, on ~~being petitioned by~~ petition of the director, shall order the removal of the sign or signs, subject to Sections 23-1-280, 23-1-281 and 23-1-282, where applicable, by the sign owner or jointly by the sign owner and property owner if joined in the proceeding or separately by the property owner; provided, that the director, acting through personnel of the State of Alabama Highway Transportation Department, may remove ~~such the~~ signs at the option of the director as provided herein or as ordered by the court. Court costs shall be taxed against a sign owner or property owner on which a sign is located if a court determines that ~~such the~~ parties have erected or maintained a sign in violation of this division. Jurisdiction and procedure of courts are not limited by this division.

"(c) In any proceeding hereunder in the courts of this state, an allegation or averment setting forth the owner of the real property or the owner of a sign located thereon to be a particular party or parties shall be deemed to establish prima facie ownership of the real property or the sign to be in ~~such the~~ party or parties, respectively, unless within 30 days from the service of process upon them, ~~such the~~ party or parties file in the proceeding a sworn denial of ownership and, in addition thereto, set forth any interest in and to ~~such the~~ real property or sign to which they claim to be entitled. In any proceeding hereunder in the courts, employees of the State of Alabama Highway Transportation Department may testify, from general knowledge, that a particular highway is an interstate, or primary highway, National Highway System, or as to the location of geographical boundaries of urban areas, incorporated municipalities, and other zoned areas. In addition to other official maps, maps prepared by the State of Alabama Highway Transportation Department as to the location of geographical boundaries of urban areas hereunder shall be received in evidence in aid of establishment of ~~such the~~ boundaries when offered on the general knowledge of employees of the ~~highway department~~ Transportation Department that ~~such the~~ map or maps were prepared by the State of Alabama Highway Transportation Department for the purpose of establishing the geographical boundaries of an urban area.

"(d) In the event a determination is made by the director that a particular sign or signs have been erected or are being maintained or allowed to exist in violation of ~~any of the provisions of~~ this division, upon written notice to the owner of ~~such the~~ sign or signs, ~~such the~~ owner of the sign or signs shall have a duty to submit to the director all factual and documentary evidence in his or her possession, under his or her control or reasonably obtainable by ~~such the~~ sign owner relating to the date or dates of the erection of the sign or signs, the names of individuals erecting ~~same the~~ signs and all information relating in any manner to the erection of the sign or signs, the names of individuals erecting ~~same the~~ signs and all information relating in any manner to the location ~~thereof of the signs~~ which would tend to have a bearing on whether the sign or signs were erected in violation of or are being maintained or allowed to exist in violation of ~~any of the provisions of~~ this division.



"All officers and employees of the State of Alabama Highway Transportation Department are ~~hereby~~ authorized and empowered to enter upon and go across any land located within the State of Alabama for the purpose of inspection of any sign determined by the director to be in existence in violation of this division ~~or any amendment thereto~~. Any officer and employee of the State of Alabama Highway Transportation Department who, acting lawfully under this division, enters upon or crosses any lands located within this state for the purpose of inspection or removal of ~~any such a~~ sign and in and about the activity of inspection or removal of ~~any such a~~ sign is ~~hereby~~ vested with full police power to arrest or prefer charges against any person or persons who interferes with the performance of his or her duty.

"§23-1-279.

"(a) Signs outside of business areas which are lawfully in existence on February 10, 1972, but which do not conform to the requirements in this division, are declared nonconforming and, subject to Sections 23-1-280, 23-1-281 and 23-1-282, shall be removed by the sign owner and/or property owner under agreement with the director, or under the authority of the director, upon agreement between the parties as to just compensation. ~~In the event~~ If no agreement can be reached as to just compensation, the sign shall be removed and payment made therefor through petition filed in probate court in accordance with Section 23-1-282. Outdoor advertising signs, displays, or devices with the purpose of their message being read from the main-traveled way of any interstate highway or primary highway erected prior to April 11, 1978, outside of an urban area and beyond 660 feet of the edge of the right-of-way of ~~such the~~ interstate or primary highway and not otherwise lawful under Section 23-1-273, as amended, are declared nonconforming and, subject to Sections 23-1-280, 23-1-281 and 23-1-282, shall be removed by the sign owner and/or property owner under agreement with the director or under the authority of the director, upon agreement between the parties as to just compensation. ~~In the event~~ If no agreement can be reached as to just compensation, the sign shall be removed and payment made therefor through petition filed in probate court in accordance with Section 23-1-282.

"(b) Signs lawfully erected after February 10, 1972, and which subsequently do not conform to the requirements of this division, shall be removed by the sign owner and/or property owner under agreement with the director or under the authority of the director, upon agreement between the parties as to just compensation. ~~In the event~~ If no agreement can be reached as to just compensation, the sign shall be removed and payment made therefor through petition filed in probate court in accordance with Section 23-1-282.

"(c) Should any commercial or industrial activity which has been used in defining or delineating an unzoned area cease to operate, the unzoned area shall be redefined or redelineated based on the remaining activities. Any signs located within the former unzoned area, but located outside the unzoned area based on its new dimensions, shall become nonconforming and, subject to Sections 23-1-280,

23-1-281 and 23-1-282, shall be removed by the sign owner and/or property owner under agreement with the director or under the authority of the director, upon agreement between the parties as to just compensation. ~~In the event~~ If no agreement can be reached as to just compensation, the sign shall be removed and payment made therefor through petition filed in probate court in accordance with Section 23-1-282.

"§23-1-280.

"Just compensation shall be paid by the removing authority upon the removal of any of the following signs which are not then in conformity with this division whether or not removed pursuant to or because of this division:

"(1) Signs lawfully in existence on February 10, 1972.

"(2) Signs lawfully in existence on land adjoining any highway made an interstate, ~~or primary,~~ or National Highway System highway after February 10, 1972.

"(3) Outdoor advertising signs, displays, or devices erected with the purpose of their message being read from the main-traveled way of any interstate highway or primary highway erected outside of an urban area and beyond 660 feet of the edge of the right-of-way of an interstate or primary highway erected prior to April 11, 1978, and not otherwise lawful under Section 23-1-273.

"(4) Signs lawfully erected on or after February 10, 1972.

"Notwithstanding any provision of law to the contrary, no removing authority shall remove or cause to be removed, or cause the alteration in any manner of, any lawfully erected sign along any public street or highway within the state without paying just compensation. Amortization for whatever period shall not constitute just compensation.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Carns, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan,

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Johnson (R), Jorgensen, Knight (A), Layson, Lindsey, McDaniel, McKee, Millican, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Perdue, Robinson, Sanderford, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Venable, Warren, White, Willis and Wren.

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**AMENDMENT OFFERED**

Representative Layson offered the following amendment to the bill, H. 546, as amended:

On page 22, insert the following new Section 2, and renumber the subsequent sections accordingly.

Section 2. Notwithstanding any provision of law, church signs which do not exceed in size the largest signs permitted by law shall not be regulated by the act, and no fee shall be imposed on the church that erected the sign.

**MOTION TO TABLE LOST**

The motion offered by Representative McDaniel to table the amendment offered by Representative Layson to the bill, H. 546, as amended, was lost.

Yeas 14; Nays 53.

Yea:

Mr. Speaker, Drake, Hammett, Haney, Hawkins, McDaniel, Minnifield, Murphree, Newton (C), Page, Perdue, Sanderford, Starkey and Venable.

-14

Nay:

Representatives Allen, Black (M), Carns, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Galliher, Gaston, Guin, Hall (A), Hamilton, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Papucci, Parker (T), Payne, Penry, Robinson, Rogers (J), Seibenhener, Smith, Spratt, Thomas (D), Townsend, Turner, Warren, White, Willis and Wren.

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**MOTION TO TABLE LOST**

The motion offered by Representative Page to table the amendment offered by Representative Layson to the bill, H. 546, as amended, was lost.

Yeas 8; Nays 73.

Yea:

Mr. Speaker, Hawk, Knight (A), McDaniel, Minnifield, Page, Sanderford and Spratt.

- 8

Nay:

Representatives Allen, Baker, Black (M), Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Papucci, Parker (T), Payne, Penry, Pringle, Robinson, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

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**AMENDMENT ADOPTED**

The question was then on the adoption of the amendment offered by Representative Layson to the bill, H. 546, as amended, and the amendment was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

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**MOTION TO CARRY OVER TABLED**

On motion of Representative McDaniel, the motion offered by Representative Lindsey to carry over the bill, H. 546, as amended, to the twenty-third legislative day was tabled.

Yeas 33; Nays 30.

Yea:

Mr. Speaker, Black (L), Clouse, Collins, Dukes, Galliher, Gaston, Gipson, Graham, Hall (A), Hall (L), Hamilton, Haney, Hawkins, Hill, Holmes, Hooper, Knight (A), Knight (J), Layson, McDaniel, Melton, Morrow, Murphree, Newton (C), Page, Papucci, Robinson, Rogers (M), Sanderford, Spratt, White and Wren.

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Nay:

Representatives Black (M), Carns, Crigler, Curry, Dean, Dolbare, Drake, Gaines, Guin, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Jorgensen, Laird, Lindsey, McAdory, McKee, Morton, Payne, Petelos, Sanderson, Seibenhener, Smith, Thomas (D), Thomas (J), Vance, Venable and Warren.

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And the bill:

H. 546. To amend Sections 23-1-271, 23-1-272, 23-1-273, and 23-1-274, as amended by Act 95-566, H. 547, 1995 Regular Session (Acts 1995, p. 1182); 23-1-278, 23-1-279, and 23-1-280 as amended by Act 95-566, H. 547, 1995 Regular Session (Acts 1995, p. 1182), of the Code of Alabama 1975, relating to outdoor signs regulated by the Highway Beautification Act-Outdoor Advertising to provide for the prohibition of signs adjacent to scenic byways; to provide for the spacing of signs allowed by the act; and to add the National Highway System to the highways covered by the act.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 60; Nays 22.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Burke, Carothers, Clouse, Collins, Drake, Dukes, Flowers, Ford, Galliher, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Maull,

McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Morrison, Morrow, Murphree, Newton (C), Page, Parker (T), Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Turner, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Baker, Carns, Crigler, Curry, Dean, Dolbare, Gaines, Gaston, Hall (A), Hinshaw, Jackson, Lindsey, McKee, Morton, Papucci, Payne, Petelos, Robinson, Sanderson, Seibenhener, Thomas (D) and Townsend.

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### BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McDaniel, the Budget Isolation Resolution relating to the bill, H. 548, was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-87

And the bill:

H. 548. To amend Sections 23-6-2 and 23-6-8 of the Code of Alabama 1975, to provide for the Alabama Industrial Access Road and Bridge Corporation to use an annual appropriation from the State Public Road and Bridge Fund to assure the availability of funds for the cost of constructing certain industrial access roads and bridges; to provide that no further bonds of the corporation shall be issued after the series 1995 bonds dated August 1, 1995; to provide an annual appropriation of \$11,000,000 from the State Public Road and Bridge Fund of the State Department of Transportation to be used for industrial access roads and bridges projects; and to provide for the effective date of this act.

was taken up.

**AMENDMENT OFFERED**

Representative McDaniel offered the following amendment to the bill, H. 548:

On page 8 after line 18 add the following section and renumber the succeeding section:

Section 2. The annual appropriation from the Public Road and Bridge Fund shall remain a part of the Public Road and Bridge Fund but still be maintained in a special account within the State Treasury. Said funds shall at all times be invested in the same manner allowed for all other State Treasury investments and all investment earnings shall remain within this special account and are hereby appropriated to be allocated by the Alabama Industrial Access Road and Bridge Corporation for Alabama Industrial Access Road and Bridge Projects.

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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**S. 388 SUBSTITUTED FOR H. 548**

In accordance with House Rule 20 and on motion of Representative McDaniel, the bill, S. 388, was substituted for the bill, H. 548, as amended.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative McDaniel, the Budget Isolation Resolution relating to the bill, S. 388, was adopted.

Yeas 94; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

S. 388. To amend Sections 23-6-2 and 23-6-8 of the Code of Alabama 1975, to provide for the Alabama Industrial Access Road and Bridge Corporation to use an annual appropriation from the State Public Road and Bridge Fund to assure the availability of funds for the cost of constructing certain industrial access roads and bridges; to provide that no further bonds of the corporation shall be issued after the series 1995 bonds dated August 1, 1995; to provide an annual appropriation of \$11,000,000 from the State Public Road and Bridge Fund of the State Department of Transportation to be used for industrial access roads and bridges projects; and to provide for the effective date of this act.

was read a third time at length and passed.

Yeas 96; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory,



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McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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**H. 548 INDEFINITELY POSTPONED**

On motion of Representative McDaniel, the bill, H. 548, as amended, was indefinitely postponed.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, H. 755, was adopted.

Yeas 70; Nays 20.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Collins, Crigler, Dean, Dolbare, Drake, Gaines, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hilliard, Hinshaw, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrow, Morton, Murphree, Page, Papucci, Payne, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren and Wren.

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Nay:

Representatives Baker, Carns, Clouse, Curry, Dukes, Flowers, Fuller, Galliher, Gaston, Hawkins, Hill, Hogan, McMillan, Mitchell, Morrison, Newton (C), Petelos, Smith, Turnham and Willis.

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And the bill:

H. 755. (With Amendment): To amend Section 32-5A-171, Code of Alabama 1975, relating to maximum speed limits on highways; to provide for an increase of the maximum speed limit on certain highways.

was taken up.

**SUBSTITUTE OFFERED**

Representative Johnson (R) offered the following substitute to the bill, H. 755, and to the pending amendment reported by the Standing Committee on Highway Safety:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 32-5A-171, Code of Alabama 1975, relating to maximum speed limits on highways; to provide for an increase of the maximum speed limit on certain highways.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-5A-171 is amended to read as follows:

"§32-5A-171.

"Except when a special hazard exists that requires lower speed for compliance with Section 32-5A-170, the limits hereinafter specified or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of the maximum limits.

"(1) No person shall operate a vehicle in excess of 30 miles per hour in any urban district.

"(2) a. No person shall operate a motor vehicle in excess of 35 miles per hour on any unpaved road. For purposes of this chapter the term "unpaved road" shall mean any highway under the jurisdiction of any county, the surface of which consists of natural earth, mixed soil, stabilized soil, aggregate, crushed sea shells, or similar materials without the use of asphalt, cement, or similar binders.

"b. No person shall operate a motor vehicle on any county-maintained paved road in an unincorporated area of the state at a speed in excess of 45 miles per hour unless a different maximum speed is established under authority granted in subdivision (6) or as provided in subdivision (7) subject to the maximum rate of speed provided in subdivision (3).

"(3) No person shall operate a motor vehicle on the highways in this state, other than interstate highways or highways having four or more traffic lanes, at a speed in excess of 55 miles per hour at any time unless a different maximum rate of speed is authorized by the Governor under authority granted in subdivision (6) or as provided in subdivision (7).

"(4) No person shall operate a motor vehicle, on an interstate highway within the State of Alabama, at a speed in excess of ~~55 70 miles per hour or on any other highway having four or more traffic lanes at a speed in excess of 65 miles per hour, in urban areas of 50,000 population or more or in excess of 65 miles per hour outside urban areas unless a different maximum rate of speed is permitted or allowed by the Federal Highway Administration, or unless a different maximum rate of speed is authorized by the Governor under authority granted in subdivision (6) or as provided in subdivision (7).~~

"(5) Notwithstanding any provisions of this section to the contrary, no person shall operate a passenger vehicle, motor truck, or passenger bus which carries or transports explosives or flammable liquids, as defined in Section 32-1-1.1, or hazardous wastes, as defined in Section 22-30-3(5), in this state unless the vehicle, truck, or bus prominently displays a current decal, plate, or placard which is required by the rules or regulations of the DOT or the PSC which indicates or warns that the vehicle, truck, or bus is carrying or transporting ~~such the~~ substances. No person shall operate the vehicle, truck, or bus at a rate of speed greater than 55 miles per hour at any time unless a different maximum rate of speed is authorized by the Governor under authority granted in subdivision (6) or as provided in subdivision (7).

"(6) The Governor ~~is hereby specifically authorized to~~ may prescribe the maximum rate of speed whenever a different rate of speed is required by federal law in order for Alabama to receive federal funds for highway maintenance and construction.

"(7) The maximum speed limits set forth in this section may be altered as authorized in Sections 32-5A-172 and 32-5A-173."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 73; Nays 11.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Dean, Flowers, Gaines, Gipson, Guin, Hall (A), Hammett, Haney, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Perdue, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

Nay:

Representatives Baker, Dolbare, Galliher, Gaston, Graham, Hawkins, Hill, Laird, Millican, Seibenhener and Sims.

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## RESOLUTIONS

The following resolution was introduced:

By Representative Townsend:

H.J.R. 413. COMMENDING JUNIOR CIVITAN, A PROGRAM OF CIVITAN INTERNATIONAL, ON ITS SIXTEENTH ANNUAL CONVENTION JUNE 27-30, 1996, IN BIRMINGHAM, ALABAMA.

The resolution, H.J.R. 413, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Reed and Minnifield:

H.R. 414. MOURNING THE DEATH OF CHARLES ALFRED "CHIEF" ANDERSON, SR., OF TUSKEGEE, ALABAMA.

Also:

The following resolution was introduced:

By Representatives Reed and Minnifield:

H.J.R. 415. MOURNING THE DEATH OF CHARLES ALFRED "CHIEF" ANDERSON, SR., OF TUSKEGEE, ALABAMA.

The resolution, H.J.R. 415, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Jackson:

H.R. 416. COMMENDING ANNETT T. BAKER ON HER OUTSTANDING CIVIC CONTRIBUTIONS.

Also:

By Representative Collins:

H.R. 417. COMMENDING LOHRONE CANNON ON HIS OUTSTANDING PROFESSIONAL ACHIEVEMENTS.

### **H. 755 RESUMED**

#### **AMENDMENT OFFERED**

Representative Hamilton offered the following amendment to the bill, H. 755, as amended:

On page 3, line 7, after the words "four or more traffic lanes" add the following: with a median

On page 3, line 15, after words "four or more traffic lanes" add the following: with a median

#### **AMENDMENT LOST**

And the amendment was lost.

Yeas 32; Nays 46.

Yea:

Representatives Black (M), Carns, Clouse, Collins, Crigler, Curry, Flowers, Galliher, Gaston, Guin, Hall (A), Hawkins, Hill, Hilliard, Layson, McAdory, McMillan, Melton, Minnifield, Morrison, Morrow, Murphree, Newton (C), Page, Parker (T), Payne, Petelos, Robinson, Spratt, Townsend, Turnham and Willis.

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Nay:

Mr. Speaker, Baker, Black (L), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Dean, Dolbare, Gaines, Gipson, Graham, Hammett, Haney, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Maull, McDaniel, McKee, Moore, Morton, Papucci, Perdue, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Thomas (D), Venable, Warren, White and Wren.

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**AMENDMENT OFFERED**

Representative Black (M) offered the following amendment to the bill, H. 755, as amended:

On page 4, after line 17, add the following additional subdivision:

"(8) Any speed limit set pursuant to this section shall be enforced by any municipality or any law enforcement officer of a municipality only within the corporate limits of the municipality and not within the police jurisdiction of the municipality."

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 72; Nays 8.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Flowers, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Murphree, Page, Papucci, Perdue, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Turnham, Vance, Venable, Warren, White and Willis.

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Nay:

Representatives Baker, Curry, Galliher, Morton, Newton (C), Payne, Petelos and Townsend.

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**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

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H. 546. To amend Sections 23-1-271, 23-1-272, 23-1-273, and 23-1-274, as amended by Act 95-566, H. 547, 1995 Regular Session (Acts 1995, p. 1182); 23-1-278, 23-1-279, and 23-1-280 as amended by Act 95-566, H. 547, 1995 Regular Session (Acts 1995, p. 1182), of the Code of Alabama 1975, relating to outdoor signs regulated by the Highway Beautification Act-Outdoor Advertising to provide for the prohibition of signs adjacent to scenic byways; to provide for the spacing of signs allowed by the act; and to add the National Highway System to the highways covered by the act.

**TOMMY CARTER**  
Chairman

And the bill, H. 546, as engrossed, was ordered sent to the Senate.

**H. 755 RESUMED**

**AMENDMENT OFFERED**

Representative Petelos offered the following amendment to the bill, H. 755, as amended:

To amend H. 755 as substituted on page 4, after line 17 by adding a new Section 2 as follows and renumbering accordingly:

"Section 2. One year following the passage of this act, the Department of Public Safety shall report to the Legislature on the traffic fatalities in the State during the last calendar year and the relation of these fatalities to the increased speed limit."

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 75; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turnham, Vance, Venable, Warren, Willis and Wren.

Nay:

Representative Holmes.

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#### AMENDMENT OFFERED

Representative Thomas (D) offered the following amendment to the bill, H. 755, as amended:

On page 4, after line 17, add the following subdivision and renumber any remaining subdivisions:

"(8) A municipal police force shall not enforce this section on any interstate highway.

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 44; Nays 25.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Buskey, Carothers, Crigler, Dolbare, Drake, Galliher, Hall (A), Hammett, Haney, Hawk, Hilliard, Hinshaw, Holmes, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, McClammy, McDaniel, Melton, Millican, Morrison, Morrow, Papucci, Pringle, Reed, Robinson, Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Turner, Venable and Willis.

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Nay:

Representatives Carns, Collins, Curry, Dean, Gaines, Gaston, Gipson, Graham, Guin, Hawkins, Hill, Hogan, Knight (A), McKee, McMillan, Morton, Newton (C), Page, Payne, Petelos, Rogers (M), Townsend, Turnham, Warren and Wren.

-25

And the bill:

H. 755. To amend Section 32-5A-171, Code of Alabama 1975, relating to maximum speed limits on highways; to provide for an increase of the maximum speed limit on certain highways.

as amended, was read a third time at length and passed, and ordered engrossed.



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Yeas 59; Nays 27.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Crigler, Dean, Dolbare, Drake, Gaines, Gipson, Hall (A), Hall (L), Hammett, Haney, Hawk, Hilliard, Hinshaw, Holmes, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Lindsey, McClammy, McDaniel, McKee, Melton, Millican, Moore, Murphree, Page, Papucci, Parker (T), Payne, Pringle, Reed, Robinson, Sanderford, Sanderson, Sims, Spratt, Starkey, Thomas (D), Turner, Vance, Venable, White and Willis.

-59

Nay:

Representatives Clouse, Curry, Dukes, Flowers, Galliher, Gaston, Graham, Guin, Hamilton, Hawkins, Hill, Hogan, Knight (A), McMillan, Mitchell, Morrison, Morrow, Morton, Newton (C), Petelos, Rogers (M), Seibenhener, Smith, Townsend, Turnham, Warren and Wren.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative McDaniel, the Budget Isolation Resolution relating to the bill, H. 547, was adopted.

Yeas 71; Nays 6.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Murphree, Newton (C), Page, Papucci, Parker (T), Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

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Nay:

Representatives Hall (A), Mitchell, Morrow, Morton, Payne and Warren.

And the bill:

H. 547. Relating to motor vehicles; to amend Sections 40-12-290, 40-12-291, 40-12-293, and 40-12-296 of the Code of Alabama 1975; to provide for the issuance of a "vintage vehicle" license plate only for those vehicles operated as a collector's item; to define a vintage vehicle; to prescribe penalties for violating this act; to specify further the design of the plate; and to repeal Section 40-12-295.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 15.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carothers, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Guin, Hall (L), Hamilton, Hammett, Haney, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Lindsey, McClammy, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Murphree, Newton (C), Papucci, Parker (T), Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance, Venable and Willis.

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Nay:

Representatives Carns, Curry, Hall (A), Hawkins, McKee, Morrow, Morton, Page, Payne, Reed, Robinson, Smith, Townsend, Warren and Wren.

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### **BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER**

In accordance with House Rule 21, the bill, H. 785, and the pending Budget Isolation Resolution offered on the seventeenth legislative day were temporarily carried over at the request of Representative Venable.

### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative McMillan, the Budget Isolation Resolution relating to the bill, H. 896, was adopted.

Yeas 77; Nays 6.

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Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (R), Kennedy, Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Curry, Gaines, Hawkins, Knight (A), McKee and Thomas (D).

- 6

And the bill:

H. 896. (With Substitute): To amend Sections 40-23-35 and 40-23-36, Code of Alabama 1975, to limit the amount of sales tax discount that may be allowed to \$900 per month per license holder; and to distribute the additional sales tax revenue generated beginning October 1, 1996, until September 30, 2001, to the Department of Conservation and Natural Resources for capital outlay for the state parks. Beginning October 1, 2001, \$3,000,000 of the additional revenue generated annually will be distributed to the Department of Conservation and Natural Resources for capital outlay, repairs and maintenance of state parks and the remainder shall be credited to the State General Fund.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Agriculture, Forestry & Natural Resources to the bill, H. 896, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Sections 40-23-35 and 40-23-36, Code of Alabama 1975, to limit the amount of sales tax discount that may be allowed to \$900 per month per license holder; and to distribute and appropriate the additional sales tax revenue generated beginning October 1, 1996, until September 30, 2002, to the Department of Conservation and Natural Resources for capital outlay and operations for the state parks. Beginning October 1, 2002, \$5,000,000 of the additional revenue

generated annually will be distributed and is appropriated to the Department of Conservation and Natural Resources for capital outlay, repairs, maintenance and operations of state parks and the remainder shall be credited to the State General Fund.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 40-23-35, Code of Alabama 1975 is amended to read as follows:

"§40-23-35.

"(a) Such amount of money as shall be appropriated for each fiscal year by the legislature to the Department of Revenue with which to pay the salaries, the cost of operation and management of said department shall be deducted, as a first charge thereon, from the taxes collected under the provisions of this division; provided, that the expenditure of said sum so appropriated shall be budgeted and allotted pursuant to Article 4 of Chapter 4 of Title 41, and limited to the amount appropriated to defray the expenses of operating said department for each fiscal year. After the payment of the expenses, so much of the amount remaining as may be necessary, after first applying all sums of money received by reason of the application of the surplus in the income tax as provided by Section 40-18-58, for the replacement in the public school fund of the three-mill constitutional levy for schools and in the general fund of the one-mill levy for soldiers' relief and the two and one-half mills for general purposes lost by exemption of homestead provided for in this division shall be first charges against the proceeds of said licenses, taxes or receipts levied or collected under this division. The comptroller, with the approval of the governor, is hereby directed to draw his warrants payable out of the total proceeds of said licenses, taxes or receipts levied or collected under this division as herein provided in such sum as shall be found necessary to take care of and replace the three-mill constitutional school levy, the one-mill soldiers' relief levy and the two and one-half mill levy for general purposes of the state ad valorem taxes lost as above set forth.

"(b) Of the amounts of such collections in any fiscal year, remaining after the payment of the expenses of administration and replacement of the amounts in the several funds as herein provided there shall be paid into the treasury sums to be credited as follows:

"(1) To the credit of the 67 counties of the state, to be divided and distributed as hereinafter provided, \$378,000;

"(2) To the Department of Human Resources, \$1,322,000;

"(3) Beginning October 1, 1996, until September 30, 2002, to the Department of Conservation and Natural Resources for capital outlay for repairs, beautification, renovation, alteration and operations of state parks only and not for use by the Department of Conservation and Natural Resources for other person-

nel or administrative use, the sum equal to the increase in receipts accruing to the State of Alabama due to the cap on discounts of \$900 per month per license holder in Section 40-23-36(b). All capital outlay expenditures shall be subject to the competitive bid laws of the State of Alabama;

"(4)a. Beginning October 1, 2002, to the Department of Conservation and Natural Resources for capital outlay, repairs, maintenance and operations of state parks only, the sum of five million dollars annually from the increase in receipts accruing to the State of Alabama due to the cap on discounts of \$900 per month per license holder in Section 40-23-36(b); and,

"b. Beginning October 1, 2002, to the credit of the State General Fund, the balance of the sum equal to the increase in receipts accruing to the State of Alabama due to the cap on discounts of \$900 per month per license holder in Section 40-23-36(b).

"(c) One-half of the amount deposited to the credit of the 67 counties as above provided, shall be divided and distributed proportionately among the 67 counties of the state according to the population of the said counties as shown by the last federal census as proclaimed, published or certified by the director of the bureau of the census; and one-half of said proceeds shall be divided or distributed equally among 67 counties; provided, that the funds divided and distributed to the several counties of the state as hereinabove provided for shall be used exclusively for full-time health service in cooperation with the State Board of Health or the federal government, and for extension services in cooperation with the Alabama Agriculture Extension Service or the federal government, at the discretion of the county commissions of the several counties of the state.

"(d) The amounts provided in subsection (b) for the Department of Human Resources shall be used for general welfare purposes. For purposes of this division, "general welfare purposes" means:

"(1) The administration of public assistance as set out in Sections 38-2-5 and 38-4-1;

"(2) Services, including supplementation and supplementary services under the Federal Social Security Act, to or on behalf of persons to whom such public assistance may be given under said Section 38-4-1;

"(3) Services to and on behalf of dependent, neglected or delinquent children; and

"(4) Investigative and referral services to and on behalf of needy persons.

"(e) In addition, there shall be paid, commencing on January 1, 1978, and on the first day of each fiscal quarter thereafter, to the Department of Human Resources for a statewide, state-administered food stamp program, as authorized by the Food Stamp Act of 1964, Public Law 88-525, 88th Congress, and

amendments thereto, an amount equal to five percent of the value of food stamp benefits issued statewide in excess of the amount paid by recipients (bonus or free stamps) during the immediate prior fiscal quarter, which sum so appropriated shall be paid quarterly to the Department of Human Resources trust fund for administration of the food stamp program in conformity with rules and regulations promulgated by the United States Department of Agriculture and in conformity with Sections 38-1-1 through 38-6-9. Such administrative funds shall be limited to and based on fiscal year 1976-77 administrative costs, normal inflationary increases and mandated administration requirements of the Alabama Legislature and the United States Department of Agriculture. The Department of Human Resources will not staff any county food stamp office at a level which exceeds the average staff-to-recipient ratios which existed in Alabama during fiscal year 1976-77. This restriction will apply in coordination with those provided hereinabove and, should conflict occur, the lesser amount of expenditure shall be required. At the end of each fiscal year, an accounting shall be made of said sum so that any unexpended and unencumbered balance of funds may be determined for the purpose of paying such balance to the ~~Alabama Special~~ Educational Trust Fund.

"(f) The amount of the proceeds of all taxes levied by this division remaining after the payment of the expenses of administration and enforcement and the replacement in the several funds of the amount lost by any homestead exemptions and the distribution as provided in subsections (b) and (e), shall be paid into the ~~Alabama Special~~ Educational Trust Fund except as provided in subdivision (4) of Section 40-23-2 and subsection (c) of Section 40-23-61."

Section 2. Section 40-23-36, Code of Alabama 1975 is amended to read as follows:

"§40-23-36.

"(a) The Governor may, by executive order, authorize the Department of Revenue to provide by proper rules and regulations for the allowance of a discount, not to exceed five percent of the first \$100 of taxes levied and two percent of the taxes levied over \$100 by this division and due and payable to the state by any person licensed under the provisions hereof; provided, that no discount shall be authorized or allowed upon any taxes which are not paid before delinquency, as in this division provided.

"(b) For any taxes collected by the license holder on or after October 1, 1996, the maximum discount allowed to any license holder shall be \$900 per month."

Section 3. The monies provided in Section 1, to be credited to the Department of Conservation and Natural Resources for the fiscal year beginning October 1, 1996, and each fiscal year thereafter, are hereby appropriated to the Department of Conservation and Natural Resources, and authorized for expenditure, for the purposes provided for in Section 1, above.

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Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

**SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 85; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Hawkins and Knight (A).

- 2

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 755. To amend Section 32-5A-171, Code of Alabama 1975, relating to maximum speed limits on highways; to provide for an increase of the maximum speed limit on certain highways.

TOMMY CARTER  
Chairman

And the bill, H. 755, as engrossed, was ordered sent to the Senate.

**H. 896 RESUMED****AMENDMENT OFFERED**

Representative McMillan offered the following amendment #1 to the bill, H. 896, as amended:

Amend House Bill 896 as substituted on Page 1, Line 15 by deleting after the word "outlay" the words "and operations".

Further amend House Bill 896 as substituted on Page 1, Line 18 by deleting after the word "repairs," the words "maintenance and operations of" and inserting in lieu thereof the words "and maintenance of".

Further amend House Bill 896 as substituted on Page 2, Lines 4 and 5 by deleting after the word "outlay" the words "and operations".

Further amend House Bill 896 as substituted on Page 2, Line 7 by deleting after the word "repairs," the words "maintenance and operations" and inserting in lieu thereof the words "and maintenance".

Further amend House Bill 896 as substituted on Page 3, Line 15 by deleting the words "alteration and operations" and inserting in lieu thereof the words "and alteration".

Further amend House bill 896 as substituted on Page 3, Line 21 by deleting the words "maintenance and operations" and inserting in lieu thereof the words "and maintenance".

**AMENDMENT ADOPTED**

And the amendment #1 was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.



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**AMENDMENT OFFERED**

Representative McMillan offered the following amendment #2 to the bill, H. 896, as amended:

Amend the substitute for H. 896 as follows:

Page 6, line 10, delete the period (.) following the word "month" and insert the following: and shall be limited to that amount for each retail license holder regardless of the number of retail locations of that license holder within the state.

**AMENDMENT ADOPTED**

And the amendment #2 was adopted.

Yeas 86; Nays 3.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives McKee, Page and Seibenhener.

- 3

**AMENDMENT OFFERED**

Representative Page offered the following amendment to the bill, H. 896, as amended:

On page 6, line 9, after the word "any" insert the following language: state sales

On page 6, line 10, after the period insert the following language: For any local sales taxes collected by the license holder on or after October 1, 1996, there shall be no maximum on the discount allowed per month.

### AMENDMENT TABLED

On motion of Representative Hamilton, the amendment offered by Representative Page to the bill, H. 896, as amended, was tabled.

Yeas 41; Nays 31.

Yea:

Mr. Speaker, Burke, Clouse, Curry, Dean, Dolbare, Drake, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hamilton, Hammett, Haney, Holmes, Hooper, Knight (A), Knight (J), Laird, Lindsey, McClammy, McKee, McMillan, Moore, Morton, Newton (C), Papucci, Parker (T), Penry, Petelos, Pringle, Rogers (M), Sims, Starkey, Thomas (D), Turnham, Venable, Warren and Wren.

-41

Nay:

Representatives Baker, Box, Boyd, Buskey, Carns, Clark (W), Collins, Crigler, Dukes, Galliher, Graham, Hall (A), Hawkins, Hill, Hinshaw, Hogan, Jackson, Layson, Mitchell, Morrison, Morrow, Murphree, Page, Payne, Reed, Robinson, Seibenhener, Smith, Townsend, Turner and Vance.

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And the bill:

H. 896. To amend Sections 40-23-35 and 40-23-36, Code of Alabama 1975, to limit the amount of sales tax discount that may be allowed to \$900 per month per license holder; and to distribute and appropriate the additional sales tax revenue generated beginning October 1, 1996, until September 30, 2002, to the Department of Conservation and Natural Resources for capital outlay for the state parks. Beginning October 1, 2002, \$5,000,000 of the additional revenue generated annually will be distributed and is appropriated to the Department of Conservation and Natural Resources for capital outlay, repairs, and maintenance of state parks and the remainder shall be credited to the State General Fund.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 85; Nays 6.

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Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-85

Nay:

Representatives Curry, Gaines, Hawkins, Knight (A), McKee and Seibenhener.

- 6

**CO-SPONSORS ADDED**

The following were added as co-sponsors to the bill, H. 896, as amended:

Representatives Allen, Baker, Black (M), Boyd, Burke, Clark (W), Clouse, Crigler, Drake, Dukes, Flowers, Galliher, Gipson, Graham, Guin, Hall (L), Hamilton, Haney, Hawk, Hill, Hinshaw, Hooper, Jackson, Jorgensen, Lindsey, McClammy, McDaniel, Melton, Morton, Murphree, Newton (C), Papucci, Robinson, Rogers (M), Sanderford, Sims, Starkey, Vance, Warren, Willis and Wren.

**BUDGET ISOLATION RESOLUTION OFFERED**

Representative Carothers offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 214.

**MOTION TO ADJOURN LOST**

The motion offered by Representative McKee that the House adjourn until 1:00 o'clock p.m., Tuesday, April 23, 1996, was lost.

Yeas 36; Nays 48.

Yea:

Mr. Speaker, Boyd, Buskey, Carns, Clark (W), Crigler, Curry, Fuller, Gaines, Hammett, Haney, Hawkins, Holmes, Hooper, Houston, Jorgensen, Kennedy, Knight (A), Knight (J), McAdory, McClammy, McKee, Morton, Newton (C), Newton (D), Payne, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Townsend, Turner, Venable and Wren.

-36

Nay:

Representatives Baker, Black (L), Black (M), Burke, Carothers, Clouse, Dean, Dolbare, Drake, Dukes, Flowers, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hawk, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (R), Laird, Lindsey, McDaniel, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Murphree, Page, Papucci, Reed, Sims, Smith, Spratt, Starkey, Thomas (J), Turnham, Vance, Warren, White and Willis.

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**SPECIAL ORDER CALENDAR RESUMED****BUDGET ISOLATION RESOLUTION CARRIED OVER**

On motion of Representative Fuller, the bill, H. 214, and the pending Budget Isolation Resolution were carried over to the twenty-second legislative day.

Yeas 62; Nays 10.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Guin, Hall (L), Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, McClammy, McDaniel, McKee, Melton, Millican, Mitchell, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Wren.

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Nay:

Representatives Burke, Drake, Graham, Hamilton, Hawk, Morrison, Petelos, Sims, Starkey and Willis.

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**ADJOURNMENT**

On motion of Representative Clark (W), the House adjourned until 1:00 o'clock p.m., Tuesday, April 23, 1996.

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22nd Day**

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**TWENTY-SECOND DAY**

**House of Representatives  
Montgomery, Alabama  
Tuesday, April 23, 1996**

The House met pursuant to adjournment.

**PRAYER**

The session was opened with prayer by Reverend Eric Washburn, Church of God of Prophecy, Tuscaloosa, Alabama.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Brandi Sparks, 10th Grade, Rogers High School, Florence, Alabama, and Amber Wilson, 11th Grade, Wilson High School, Florence, Alabama.

**ROLL CALL**

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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A quorum was present.

**REPORT OF STANDING COMMITTEE ON RULES**

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-first legislative day and finds the same to be correct.

TOMMY CARTER  
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the twenty-first legislative day was dispensed with.

**MOTION TO ADJOURN ADOPTED**

Representative Hammett offered the motion that when the House adjourns Thursday, April 25, 1996, it adjourns to meet again at 1:00 o'clock p.m. on Tuesday, April 30, 1996, and the motion was adopted.

**RESOLUTION**

The following resolution was introduced:

By Representative Hammett:

H.R. 418. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO SENATE BILL 300.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional questions that have arisen concerning the pending bill, S.B. 300, a copy of which is attached to this resolution and made a part hereof by reference.

Senate Bill 300, which is currently pending in a conference committee, provides for the phase out of existing supernumerary programs and provides that public officials may participate in the Employees' Retirement System of Alabama.

Section 64 of the Constitution of Alabama of 1901, provides, in part, that "no report of a committee of conference shall be adopted in either house, except upon a vote taken by yeas and nays, and entered on the journal, as herein provided for the adoption of amendments."

**REGULAR SESSION**  
**22nd Day**

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Section 63 of the Constitution of Alabama of 1901, provides, in part, that "no bill shall become a law, unless on its final passage it be read at length."

1. What vote ratio is required for either legislative body to adopt a conference committee report?

2. Is the vote ratio required for either body to adopt a conference committee report different if the bill to be enacted is a proposed constitutional amendment?

3. If the vote requirement to adopt a conference committee report is met, is another vote by the entire body necessary for final adoption of the bill?

4. If final adoption requires another vote, what is the necessary vote ratio for a constitutional amendment?

RESOLVED FURTHER, That the Clerk of the House of Representatives is directed to send sufficient true copies of the pending bill, S.B. 300, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court upon adoption of this resolution.

**MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Hammett, the rules were suspended in order to take up for immediate consideration the foregoing resolution, H.R. 418.

Yeas 48; Nays 12.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Boyd, Carter, Clark (W), Collins, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gipson, Graham, Guin, Hall (A), Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Jorgensen, Kennedy, Knight (A), McMillan, Melton, Morrison, Morrow, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Perdue, Robinson, Smith, Spratt, Starkey, Turner, Turnham, Vance, White and Wren.

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Nay:

Representatives Carns, Curry, Dean, Gaines, Gaston, Moore, Payne, Petelos, Sanderson, Seibenhener, Sims and Townsend.

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**RESOLUTION ADOPTED**

On motion of Representative Hammett, the resolution, H.R. 418, was adopted.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 413. COMMENDING JUNIOR CIVITAN, A PROGRAM OF CIVITAN INTERNATIONAL, ON ITS SIXTEENTH ANNUAL CONVENTION JUNE 27-30, 1996, IN BIRMINGHAM, ALABAMA.

WHEREAS, over 600 Junior Civitans from more than 500 national and international Junior Civitan Clubs will convene at Samford University in Birmingham, Alabama, June 27-30, 1996, for their Sixteenth Annual Convention, representing 17,000 Junior Civitans from around the globe; and

WHEREAS, Junior Civitan is a program officially recognized and established by Civitan International to provide young people opportunities for building self-esteem, leadership, and fellowship while contributing to the betterment of the world; and

WHEREAS, Junior Civitan supports as its major project the Civitan International Research Center, located at the University of Alabama at Birmingham, which is a medical facility for research and treatment of developmental disabilities; and

WHEREAS, Junior Civitans perform community service for the enrichment of others in their respective neighborhoods and communities and work for the improvement of the environment and are recognized by Junior Civitan International for club, district, and individual achievements; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Junior Civitans around the globe for their many worthwhile contributions and community service for the enrichment of the lives of their peers, the elderly, and the physically and mentally challenged, as well as improvement of the environment, and we salute the representatives convening in Birmingham, Alabama, on the occasion of the Sixteenth Annual Convention of Junior Civitan, June 27-30, 1996.

BE IT FURTHER RESOLVED, That we also thank the Junior Civitans for bringing their Sixteenth Annual Convention to Alabama and for contributing funds throughout the year for the world-class research facility, Civitan International Research Center, located at the University of Alabama at Birmingham, and for



their numerous other endeavors and we send best wishes for a successful convention.

RESOLVED FURTHER, That copies of this resolution be provided to Junior Civitan Governor Jill Copeland of the Benjamin Russell High School Junior Civitan Club in Alexander City, Alabama, and to Governor Lee Martin of the Alabama Central District Civitan Clubs for appropriate presentation so that Junior Civitans around the globe may know of our deep esteem, pride, and appreciation.

On motion of Representative Carter, the resolution, H.J.R. 413, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 415. MOURNING THE DEATH OF CHARLES ALFRED "CHIEF" ANDERSON, SR., OF TUSKEGEE, ALABAMA.

WHEREAS, grievously mourned is the death of Charles Alfred "Chief" Anderson, Sr., of Tuskegee, Alabama, on April 13, 1996, at the age of 89 years; and

WHEREAS, Charles Alfred Anderson, universally known as "Chief," was one of America's last aviation pioneers, and a lifelong pioneer of aviation opportunities for Black Americans; and

WHEREAS, a native of Bridgeport, Pennsylvania, and impassioned with a burning desire to fly from an early age, Chief Anderson would endure and overcome the obstacles and resistance of a White-dominated aviation community, to teach himself the prescribed skills of flying, to earn a private pilot's license and certificate, and become the first Black to hold an Air Transport rating; and

WHEREAS, over the years to follow, Chief Anderson would amass a number of aviation honors and distinctions; he and his one-time partner and business associate, Dr. Albert Forsythe, became the first Blacks to fly a transcontinental round trip, and flew the first land plane to reach the Bahamas and several Caribbean islands, and, in 1985, he was the recipient of the prestigious Frank G. Brewer Trophy, awarded annually for outstanding contributions to the development of air youth in the field of education and training; and

WHEREAS, in 1939, he was recruited to start the Civilian Pilot Training Program at Tuskegee Institute, which along with its military counterpart which he also directed, were responsible for training the pilots who would become the famed Tuskegee Airmen of World War II, and such famous military aviators as B. O. Davis, Jr., and Daniel "Chappie" James, to name a few; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are indeed saddened by the death of Charles Alfred "Chief" Anderson, Sr., of Tuskegee, Alabama, and direct that a copy of this resolution of condolence be provided for his family that they may know of our shared sorrow in their great and grievous loss.

On motion of Representative Carter, the resolution, H.J.R. 415, was adopted.

### REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report, with substitute:

S.J.R. 81. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY THE FEASIBILITY OF ESTABLISHING AND MAINTAINING A RURAL TRANSPORTATION SYSTEM.

The question was then on the adoption of the substitute reported by the Standing Committee on Rules, said committee substitute being as follows:

CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY THE FEASIBILITY OF ESTABLISHING AND MAINTAINING A RURAL TRANSPORTATION SYSTEM.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Interim Legislative Committee to Study the Feasibility of Establishing and Maintaining a Rural Transportation System is created. The committee shall be composed of three members of each house, to be appointed by the presiding officer of each house. At its first meeting, the committee members shall elect a chairman and a vice-chairman from their membership.

The committee shall study methods of providing rural transportation to the citizens of this state, and in particular to the elderly and disadvantaged. The goals of the committee shall include all of the following:

1. Achieve the most cost-effective use of current federal, state, and local resources for specialized and rural transportation.
2. Encourage local governments to take a more active role in the management and coordination of programs supporting specialized and rural transportation.
3. Facilitate adoption of administrative and management practices in the implementation of federal and state programs which encourage coordination

among service providers and increase access to specialized and rural transportation.

4. Facilitate the sharing of technical resources and information with recipients of federal and state assistance and with transportation providers.

5. Determine the most efficient system of providing service, including consideration of private sector providers and use of competitive bidding.

The Alabama Commission on Aging shall provide technical assistance and advise the committee. Upon request of the committee, other state agencies and entities, including, but not limited to, the Alabama Medicaid Agency, the Department of Human Resources, the Department of Transportation, the Alabama Kidney Foundation, the Department of Public Health, the Department of Mental Health and Mental Retardation, the Department of Rehabilitation Services, and the Office of the Governor shall provide technical assistance to the committee.

Upon the request of the chair, the Secretary of the Senate and the Clerk of the House shall provide necessary clerical assistance for the work of the committee. The committee shall report its findings, conclusions, and recommendations to the Legislature not later than the 5th legislative day of the 1997 Regular Session, whereupon, the committee shall stand dissolved and discharged of any further duties and liabilities. Each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. Notwithstanding the foregoing, no member shall receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed \$10,000.

#### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

#### **RESOLUTION ADOPTED**

On motion of Representative Carter, the resolution, S.J.R. 81, as amended, was adopted.

#### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**S.J.R. 95. PERMANENTLY DESIGNATING EACH WEDNESDAY OF LAW WEEK AS LEGAL ASSISTANT AND PARALEGAL DAY IN ALABAMA.**

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 95.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**S.J.R. 96. COMMEMORATING THE LIFE OF CHARLES RAY SWEAT.**

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 96.

### **REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**S.J.R. 97. COMMENDING JACK E. RAVAN FOR HIS OUTSTANDING CONTRIBUTIONS TO THE STATE OF ALABAMA.**

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 97.

### **BILLS ON SECOND READING**

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

**H. 923.** Relating to Elmore County; to amend Section 7 of Act 95-393, H. 591, 1995 Regular Session (Acts 1995, p. 800), providing for districts for fire protection and other related services and for the imposition of fees in the districts; to exclude any area within the corporate limits of the City of Prattville and any area in the police jurisdiction of the City of Prattville served by the City of Prattville; and to provide for retroactive effect to October 1, 1995.

**H. 931.** Relating to Baldwin County; amending Sections 2 and 3 of Act No. 85-684, H. 1056, (Acts 1985, p. 1097), relating to court charges and the Baldwin

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County Law Library and Judicial Administration Fund, to make the \$1.50 court costs applicable in civil and quasi civil actions, equity, criminal, quasi criminal, proceedings on forfeited bail or forfeited bond in the circuit court of Baldwin County under certain conditions applicable in the Juvenile Court and in civil actions filed in the District Court of Baldwin County; and providing that this act shall be construed together with other laws relating to court costs in Baldwin County, and ratifying collections retroactively to January 1, 1977.

H. 954. Relating to Chilton County; authorizing the county commission to levy an additional one cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; prescribing penalties and fixing punishment for violation of this act; providing for a referendum; and providing for a termination date.

H. 956. Relating to Pike County, to establish the City of Troy Investment Trust Fund; to prescribe that the City of Troy shall place certain proceeds from the sale of Edge Regional Medical Center in the Investment Trust Fund; and to prescribe requirements for the management of the Investment Trust Fund.

H. 966. To provide additional revenue in the City of Eufaula to be used for the promotion of tourism and economic development within the city and county; levying a municipal privilege or license tax paralleling, at lower rate, state privilege or license tax on businesses of renting rooms, lodging or accommodations to transients as provided for in Chapter 26, Title 40, Code of Alabama 1975, as heretofore or hereafter amended or supplemented; providing for the ascertainment, collection, payment, distribution and use of the proceeds of all such taxes; to provide for a redistribution of the municipal lodging tax collected in the City of Eufaula; and prescribing penalties and fixing punishment for violation of this act.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 309. (With Substitute): To make an appropriation of \$100,000 from the Education Trust Fund to Educational Resources, Inc. for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

H. 310. (With Substitute): To make an appropriation of \$17,681 from the Education Trust Fund to the Alabama YMCA Youth and Government for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

H. 342. (With Substitute): To make an appropriation of \$47,000 from the Education Trust Fund to the Black Belt Human Resource Development Center for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

H. 337. (With Substitute): To make an appropriation of \$300,000 from the Education Trust Fund to the Birmingham Children's Theatre for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 330. To make an appropriation of \$381,534 from the Education Trust Fund to the Space Science Exhibit Commission for the fiscal year ending September 30, 1997, for educational purposes.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 317. (With Substitute): To make an appropriation of \$45,000 from the Education Trust Fund to the Kate Duncan Smith DAR School for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

H. 321. (With Substitute): To make an appropriation of \$301,317 from the Education Trust Fund and an appropriation of \$572 from Local Funds to the Governor's Commission on Physical Fitness for the fiscal year ending September 30, 1997.

H. 333. (With Substitute): To make an appropriation of \$343,804 from the Education Trust Fund for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 937. Relating to premium tax with respect to health maintenance organizations; to amend Section 27-21A-28, Code of Alabama 1975, to repeal the classification for tax purposes of health maintenance organizations as life insurers, to make health maintenance organizations subject to the premium tax rates applicable to health insurers; and to provide for its retroactive effect.

H. 795. To exempt the Alabama Legislative Club from the payment of all state, county, and municipal sales and use taxes.

H. 527. To exempt the Franklin Memorial Clinic, Inc., from municipal gross receipts taxes and municipal business license taxes.

H. 892. To amend Section 36-27-70 of the Code of Alabama 1975, to provide for certain public employees of state or local political subdivisions to purchase certain prior service credit in the Employees' Retirement System under certain conditions.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 734. (With Substitute): To make a conditional appropriation from the State General Fund in the State Treasury to the International Training Site Committee of Pell City, for the fiscal year ending September 30, 1996, to provide housing and training for visiting Olympic teams.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 9. To exempt the Camp Smile-A-Mile from the payment of all state, county, and municipal sales and use taxes.

H. 891. To amend Section 12-19-252, Code of Alabama 1975, to increase the amount provided to the State Comptroller for the expenses of administering indigent defense.

H. 539. Proposing an amendment to the Constitution of Alabama of 1901, to phase-out supernumerary programs for county ad valorem tax officials and to permit their participation in a retirement system.

The above bill was read a second time at length as required by the Constitution.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 695. (With Amendment): To amend Section 36-7-21, Code of Alabama 1975; to provide that institutions of higher learning may prepay travel expenses.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 836. To exempt the Alabama Eye Bank from the payment of all state, county, and municipal sales and use taxes.

H. 745. To amend Act 95-559, S. 372, of the 1995 Regular Session, now appearing as Section 36-30-1 of the Code of Alabama 1975, to provide for compensation for the death of a member of a rescue squad.

H. 926. To provide for stress time for law enforcement officers and firefighters who are not receiving stress time as of the effective date of this act and who are members of the Employees' Retirement System, and to provide certain court costs and business license fees to fund the costs of additional stress time.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 640. (With Amendment): To amend Section 40-23-7, Code of Alabama 1975, to provide further for the payment of quarterly sales tax returns.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 948. To make a supplemental appropriation of \$137,000 from the State General Fund to the Court of Civil Appeals for the fiscal year ending September 30, 1996.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 766. (With Substitute): To amend Section 40-20-2, Code of Alabama 1975, to further provide for a reduction in the rate of taxation of certain oil and gas wells.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 955. To exempt the Mobile Metro Black Chamber of Commerce Foundation, Inc., from the payment of all state, county, and municipal sales and use taxes.



H. 49. To amend Sections 9-16-2, 9-16-5, 9-16-7, and 9-16-12 of the Code of Alabama 1975, and Section 9-16-8 of the Code of Alabama 1975, as amended by Act No. 95-737, H. 48, 1995 Regular Session, relating to surface mining; to include new definitions; to authorize the Department of Industrial Relations to require certain information from applicants seeking permits to engage in surface mining operations; to increase the cost of a permit for a surface mining operation by a certain additional acreage fee; to prescribe criteria for denying permits; to modify requirements for grading and revegetating lands after mining; to increase the performance bonds required of operators; to authorize qualified reclamation inspectors to make inspections for bond releases; and to place certain fees, civil monetary penalties, certain appropriations by the Legislature and other appropriations in a special revenue trust fund in the state treasury to be known as the Alabama Non-Fuel Minerals Surface Mining Fund that shall be available to the Department of Industrial Relations, and provide for an appropriation for implementation of the provisions of this act.

H. 216. To exempt the Thomasville Civic Center Foundation from the payment of all state, county, and municipal sales and use taxes.

WHEREAS, the Thomasville Civic Center Foundation is a noteworthy charitable organization whose civic contributions to the state, county, and Thomasville area are too numerous to list; and

WHEREAS, even in these times of financial hardship, the Thomasville Civic Center Foundation justly deserves to be exempt from the state, county, and municipal sales and use taxes; now therefore,

H. 707. To exempt the Berman Museum from the payment of all state, county, and municipal sales and use taxes.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 895. (With Substitute): To make an appropriation from the State General Fund in the State Treasury to the municipal governing body of the City of Phenix City, in the amount of \$100,000 for the fiscal year ending September 31, 1996.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 963. Relating to Elmore County; authorizing the county commission to levy an additional ad valorem tax and providing for a referendum.

**INTRODUCTION OF BILLS**

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Morrison (With Notice and Proof):

H. 968. To alter and rearrange the boundary lines and corporate limits of the municipality of Cullman in Cullman County to remove certain property from the corporate limits of the municipality.

**COMMITTEE ON LOCAL LEGISLATION NO. 1**

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 968, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Hill (With Notice and Proof):

H. 969. Relating to Shelby County; amending Sections 3, 4, and 6 of Act No. 88-389, H. 803 of the 1988 Regular Session (Acts 1988, p. 578), relating to the excise tax on certain tobacco products; allowing the Shelby County Commission to collect and distribute the tax; and allowing the affixing of stamps by the Shelby County Commission.

**COMMITTEE ON LOCAL LEGISLATION NO. 7**

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 969, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Collins (With Notice and Proof):

H. 970. Relating to Lamar County; authorizing the sheriff to operate a jail store for prisoners in county custody; providing for the deposit, distribution, and auditing of monies earned; and confirming and ratifying certain prior actions.

**COMMITTEE ON LOCAL LEGISLATION NO. 1**

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 970, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

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By Representative Dolbare (With Notice and Proof):

H. 971. Relating to Clarke County; to further provide for the operation of the county commission; to provide further for the compensation of the commission; to provide for a centralized road system for the operation of the county roads and bridges; to provide for the employment of a county engineer; to provide for the continual supervision of the roads and bridges by the commission; to repeal conflicting laws; and to provide for a referendum.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 971, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Johnson (R):

H. 972. To amend Section 22-21-263 of the Code of Alabama 1975, to exempt from certificate of need review the following: (1) capital expenditures by or on behalf of a health care facility or health maintenance organization for magnetic resonance imaging equipment regardless of the amount of the expenditures; and (2) psychiatric services and obstetrical services offered in or through health care facilities; and to clarify the definition of rural hospitals.

COMMITTEE ON HEALTH

By Representative Page:

H. 973. Relating to the statewide voter registration file, Voter Registration Advisory Board, and Director of Voter Registration; amending Sections 17-4-210 to 17-4-212, inclusive, and 17-1-214 of the Code of Alabama 1975, to provide further for the elimination of the State Voter Registration Advisory Board and the placement of the statewide voter registration file program under the responsibility of the Secretary of State, to provide for the elimination of the Office of Voter Registration with the transfer of those operations, resources, and personnel to the Office of the Secretary of State, to provide for the initial selection of the outgoing Director of Voter Registration as the individual to hold the merit system position performing similar responsibilities in the Office of Secretary of State, to provide for electronic and computerized methods of updating the statewide voter registration file, and to make an appropriation.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives Carter and Papucci (With Notice and Proof):

H. 974. Relating to Limestone County; to provide that the privilege tax

imposed by Local Act No. 230, 1927 Regular Session (Local Acts 1927, p. 135), as amended by Local Act No. 98, Special Session 1936 (Local Acts 1936, p. 56), shall not apply to gasoline or motor fuel stored or sold for use in vehicles, equipment, and aircraft designed primarily for off-road use; to provide for retroactive application without refund obligation.

## COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 974, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative White (With Notice and Proof):

H. 975. Relating to the Town of Pollard in Escambia County; to designate certain railroad crossings in the town as public crossings.

## COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 975, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Allen (With Notice and Proof):

H. 976. Relating to Tuscaloosa County; to amend Section 11 of Act No. 328, H. 854 (1959 Regular Session), as amended by Act No. 1068, S. 940 (1973 Regular Session); to provide further for the percentage investments of the Fireman's and Policeman's Pensions and Relief Fund for the City of Tuscaloosa.

## COMMITTEE ON LOCAL LEGISLATION NO. 6

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 976, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Warren and Jackson (With Notice and Proof):

H. 977. To authorize the county commission of Monroe County, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Monroe County, on all taxable property situated in Monroe County, the special ad valorem tax for

necessary public buildings, bridges and roads which is authorized in Section 215 to the Constitution, to a maximum rate, for any tax year of the county, which is equal to \$.65 on each one hundred dollars (6.5 mills on each dollar) of assessed value; provided that the proceeds attributable to the increase in the rate of levy rate may be used only for the acquisition, construction, maintenance and operation of a jail in the county and for the payment of debt service on any obligations incurred for such purpose; provided further, that (a) the levy of three of the additional mills shall be discontinued when all obligations issued by either the county or any public corporation issuing debt to construct a jail for lease to the county have been paid, and (b) the remaining one of the additional mills shall thereafter be used solely for the purpose of paying costs of operating and maintaining the jail.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 977, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Galliher (With Notice and Proof):

H. 978. Relating to Etowah County; to amend Act No. 95-284, H. 73, 1995 Regular Session, as amended by Act No. 96-24, H. 8, First Special Session 1996, levying a sales and use tax; and to further provide for the disposition of the proceeds of the revenue raised from the tax.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 978, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives McMillan and Penry (With Notice and Proof):

H. 979. Relating to Baldwin County; relating to the compensation and expense allowance for the Sheriff of Baldwin County; to further provide for an additional expense allowance and expiration date therefor and the sheriff's compensation in the next term of office.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 979, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Parker (T) (With Notice and Proof):

H. 980. Relating to Tuscaloosa County; authorizing the sheriff to operate a jail store and contract telephone installation for inmates; providing for the deposit of monies earned; and providing for the distribution and auditing of monies earned.

COMMITTEE ON LOCAL LEGISLATION NO. 6

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 980, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Parker (T):

H. 981. To amend Section 32-6-19 of the Code of Alabama 1975, relating to the imposition of a penalty for driving with a cancelled, suspended, or revoked driver's license; to provide for the impoundment of a motor vehicle operated by a person whose driver's license or driving privilege has been cancelled, suspended, or revoked for driving while convicted of driving under the influence of a controlled substance; to provide an exception for certain emergencies; to provide the procedure for the impoundment; to provide immunity to the law enforcement officer; create a lien on the vehicle on behalf of the towing company; and to repeal Article 9A, Chapter 5A of the Code of Alabama 1975, the "Safe Streets Act of 1995."

COMMITTEE ON JUDICIARY

By Representatives Hayden, Jackson, and Black (L):

H. 982. Relating to Marengo County; proposing an amendment to the Constitution of Alabama of 1901; authorizing the Marengo County Commission to levy a two mill ad valorem tax for fire protection.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Lindsey (With Notice and Proof):

H. 983. Relating to Cherokee County; to amend Section 1 of Act No. 87-433 of the 1987 Regular Session (Acts 1987, p. 643), to increase the fee for the issuance of pistol permits deposited in the Sheriff's Law Enforcement Fund.

COMMITTEE ON LOCAL LEGISLATION NO. 1

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I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 983, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Sanderford, Haney, and Hinshaw (With Notice and Proof):

H. 984. To further provide for the compensation of the Huntsville City Board of Education upon approval by a majority of the members of the board.

COMMITTEE ON LOCAL LEGISLATION NO. 4

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 984, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Reed (With Notice and Proof):

H. 985. Relating to Macon County; abolishing the office of constable.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 985, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Lindsey:

H. 986. To amend Section 22-27-3, Code of Alabama 1975, relating to the authority of local governing bodies to provide for solid waste collection services and fees; to allow local governing bodies to adopt rules and regulations to provide exemptions from those services and fees.

COMMITTEE ON COMMERCE,  
TRANSPORTATION AND UTILITIES

By Representative Thomas (J) (With Notice and Proof):

H. 987. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Camden in Wilcox County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 987, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Thomas (D) and Galliher (With Notice and Proof):

H. 988. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Springville in St. Clair County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 988, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Collins:

H. 989. To allow certain members of the Employees' Retirement System to purchase up to three years of service credit in the system, under certain conditions and prior to a certain date.

COMMITTEE ON WAYS AND MEANS

By Representatives Moore, Gaines, Sanderson, Seibenhener, Knight (A), Thomas (D), Petelos, and Papucci:

H. 990. To further provide for the right to carry pistols; to prohibit certain persons from carrying a pistol under certain conditions; to provide exceptions; to prohibit a juvenile under the age of 18 from possessing a pistol with certain exceptions; to amend Sections 13A-11-72, 13A-11-73, and 13A-11-74 of the Code of Alabama 1975, therefor; to specifically repeal Section 13A-11-75, Code of Alabama 1975 relating to licensure procedures and fees for a person to carry a pistol; and to provide for criminal penalties.

COMMITTEE ON STATE ADMINISTRATION

By Representative Fuller:

H. 991. To reopen the Employees' Retirement System for a certain time to allow an active and contributing member to purchase a certain amount of service credit in the system for certain prior service rendered while employed by a local district attorney.

COMMITTEE ON WAYS AND MEANS



**RESOLUTIONS**

The following resolutions were introduced:

By Representative Warren:

**H.J.R. 419. COMMENDING PERSONNEL OF THE ALABAMA FORESTRY COMMISSION.**

WHEREAS, the Alabama Legislature expresses praise and appreciation to the Alabama Forestry Commission for its extraordinary efforts in assisting the states of Texas and Oklahoma during their recent critical wildfire situations; and

WHEREAS, these efforts, above and beyond the normal call of duty, cite one more example of the dedication and willingness to help other states as has so often been exhibited by the highly skilled personnel of the Alabama Forestry Commission; and

WHEREAS, we hereby recognize the following Oklahoma Wildfire individuals for the above-mentioned efforts: Steve Bowden, Blount County; Flavil Logan, Marion County; and Bobby Matthews, Walker County; and, the following Texas Wildfire individuals: Steve Lloyd, Monroe County; Bruce Bowden, Dale County; Gary Cole, Monroe County; Lemoral Coleman, Choctaw County; James M. Craft, Franklin County; Bradlee Fite, Tuscaloosa County; Earnest Hunt, Clarke County; James McGlone, Jackson County; Keith Niedermeier, Cherokee County; Steven Snuggs, Henry County; Gary Thompson, Covington County; and Sam Williams, Barbour County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That these men of the Alabama Forestry Commission be appropriately commended for their efforts in saving lives and property in a time of crisis for the people of the states of Texas and Oklahoma.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to each of the individuals so recognized.

On motion of Representative Warren, the rules were suspended and the resolution, H.J.R. 419, was adopted.

Also:

By Representative Smith:

**H.J.R. 420. COMMENDING MICHAEL R. KELLY UPON HIS ELECTION AS PRESIDENT OF THE ALABAMA PRESS ASSOCIATION.**

WHEREAS, Michael R. Kelly, publisher of the Clanton Advertiser, has been elected President of the Alabama Press Association (APA); and

WHEREAS, elected during the Association's historic 125th Anniversary Convention recently in Montgomery, Mr. Kelly has served with distinction on the board of directors for APA for many years, and also has served for two terms as president of its business affiliate, the Alabama Newspaper Advertising Service; and

WHEREAS, Mr. Kelly began his newspaper career in his hometown of Alexander City while in high school, and became employed at the Alexander City Outlook after graduating from Jacksonville State University in 1970; and

WHEREAS, since arriving in Clanton in 1975, Mr. Kelly has used his extensive knowledge and innate talent to increase publication of the Advertiser from two to three weekly publications; and

WHEREAS, in addition to his trailblazing work with the Advertiser and Alabama Press Association, he has provided leadership to his adopted community as a former member of the Chilton County Hospital Board of Directors, past president of the Chilton County Chamber of Commerce, and as a leader in the Chilton County YMCA, Chilton County Emergency Assistance Center, and United Way; and

WHEREAS, as a result of his tireless hard work and unwavering commitment, Mr. Kelly has succeeded in compiling an impressive record of career and civic achievements, a record that has earned for him the admiration and respect of those persons who have had the privilege of associating with him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That highest commendation is hereby extended to Michael R. Kelley, publisher of the Clanton Advertiser, for whom a copy of this resolution shall be provided with sincere best wishes for continued success in his future endeavors.

On motion of Representative Smith, the rules were suspended and the resolution, H.J.R. 420, was adopted.

### **BILLS ON THIRD READING**

#### **BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER**

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 738, were temporarily carried over at the request of Representative McKee.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Papucci, the Budget Isolation Resolution relating to the bill, H. 778, was adopted.

Yeas 42; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Carter, Collins, Curry, Dean, Drake, Gipson, Graham, Guin, Hammett, Hayden, Hill, Hinshaw, Hogan, Houston, Johnson (E), Jorgensen, Knight (A), Lindsey, McAdory, Melton, Millican, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Petelos, Sims, Smith, Spratt, Starkey, Townsend, Turner, Venable and Willis.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 778. Relating to Morgan County; to repeal Act No. 191, H. 743, 1977 Regular Session (Acts 1977, p. 260), requiring the judge of probate to transfer all lists relating to electors to the board of registrars; and to repeal Act No. 791, H. 1331, 1977 Regular Session (Acts 1977, p. 1373), requiring the Morgan County Board of Registrars to administer all phases of the absentee election process except in municipal elections.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Boyd, Carter, Clark (W), Clouse, Curry, Dean, Drake, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawk, Hayden, Hill, Hogan, Houston, Johnson (E), Jorgensen, Knight (A), Lindsey, McAdory, Melton, Millican, Moore, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Petelos, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Townsend, Venable and Willis.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Clark (J), the Budget Isolation Resolution relating to the bill, H. 919, was adopted.

Yeas 50; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Carter, Clouse, Collins, Curry, Dean, Drake, Dukes, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Houston, Johnson (E), Jorgensen, Knight (A), Lindsey, McAdory, McDaniel, Melton, Moore, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Petelos, Rogers (M), Sanderford, Smith, Spratt, Starkey, Townsend, Turner, Venable and Wren.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 919. Relating to Barbour County; providing for the compensation of the Judge of Probate of Barbour County; repealing conflicting laws; and providing for effective dates.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Carter, Clark (W), Collins, Curry, Dean, Drake, Dukes, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Jorgensen, Knight (A), Lindsey, McAdory, McDaniel, Melton, Millican, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Venable and Willis.

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### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Clark (J), the Budget Isolation Resolution relating to the bill, H. 920, was adopted.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Carns, Carter, Clark (W), Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Lindsey, McClammy, McDaniel, Melton, Millican, Mitchell, Murphree, Newton (C), Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Turnham, Venable, Willis and Wren.

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And the bill:

H. 920. Relating to Barbour County; providing for an expense allowance and mileage for the coroner; and repealing Act No. 82-505, S. 532 of the 1982 Regular Session, (Acts 1982, p. 837) and Act No. 94-399, H. 736 of the 1994 Regular Session, (Acts 1994, p. 656).

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Carter, Clark (W), Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Ford, Galliher, Gaston, Gipson,

Graham, Guin, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Lindsey, McAdory, McClammy, McDaniel, Melton, Mitchell, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

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### BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Clark (J), the Budget Isolation Resolution relating to the bill, H. 921, was adopted.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Carns, Carter, Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Lindsey, McAdory, McClammy, McDaniel, Melton, Mitchell, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, White, Willis and Wren.

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And the bill:

H. 921. Proposing an amendment to the Constitution of Alabama of 1901, to provide for the compensation of the Judge of Probate of Barbour County on a salary basis.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Carns, Carter, Clark (W), Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (E), Jorgensen, Knight (A), Lindsey,

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McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

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**BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER**

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 928, were temporarily carried over at the request of Representative McKee.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative McClammy, the Budget Isolation Resolution relating to the bill, H. 719, was adopted.

Yeas 49; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Carter, Clark (W), Curry, Drake, Galliher, Gipson, Graham, Guin, Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Jorgensen, Knight (A), Lindsey, McAdory, McClammy, Melton, Millican, Mitchell, Morton, Murphree, Newton (C), Newton (D), Parker (P), Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sims, Smith, Spratt, Starkey, Turner, Vance, Venable, White, Willis and Wren.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 719. Relating to Montgomery County; providing further for the compensation of the elected official in the position of probate.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Carter, Clark (W), Clouse, Curry, Drake, Galliher, Gipson, Graham, Guin, Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Jackson, Jorgensen, Lindsey, McClammy, Melton, Mitchell, Moore, Morton, Murphree, Newton (C), Parker (P), Parker (T), Perdue, Petelos, Rogers (M), Sims, Smith, Spratt, Starkey, Vance, Venable, Warren, Willis and Wren.

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### **PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

### **RESOLUTION**

The following resolution was introduced:

By Rules Committee:

H.R. 421. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the Twenty Second legislative day, Tuesday, April 23, 1996, taking precedence over the regular order of business or any pending or unfinished business. Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the Following bills:

Inst Id	Page
H. 372 (By Penry)	35

Agricultural Grain Marketing Compact, membership, powers, duties, financing



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S. 139 (By Langford) 110

Oil and gas, license fees paid to Revenue Dept. on transaction of 25 gallons or more, alt., Sec. 40-17-174 am'd.

S. 238 (By Mitchem) 151

Health insurance, retired ed. employees, incr. in contribs., Sec. 16-25A-17 am'd.

H. 860 (By Carns) 166

Property, stored temporarily in st., for export to foreign countries, sales tax refund by Revenue Dept., req.

H. 524 (By Turner) 175

Conservation and Natural Resources Dept., violation of rules or regs. adopted by commissioner or the advisory bd., Class C misdemeanor, Sec. 9-1-4 am'd.

H. 192 (By Boyd) 56

YMCA Youth Government programs, elective course credit for high school students, local bds. of ed. may provide, min. standard set by St. Bd. of Ed.

H. 194 (By Baker) 58

Law enforcement officers, nonelected co., overtime comp. pursuant to Fair Labor Standards Act, comp. time in lieu of overtime pay, Sec. 36-21-4.1 am'd.

H. 463 (By Knight J) 67

State contracts, prompt payment for subcontractors provided, Sec. 41-16-3 am'd.

H. 396 (By Moore) 98

Employees' Retirement System reopen for prior service with a district attorney, Sec. 36-27-57 am'd.

H. 697 (By Carothers) 92

Right-of-way property, former owner may collect produce that falls from trees on adjacent property

H. 646 (By Hill)	90
State funds, transfer and removal, alt., Sec. 41-14-4 am'd.	
H. 628 (By McMillan)	89
County Commissions, auth. to adopt ordinances for unincorporated areas to regulate cert. obscene conduct and entertainment at businesses with ABC licenses	
H. 105 (By Townsend)	74
Insurance, licensure, fees, Insurance Dept. Fund created, deposit of portion of fees to, approp. to Ins. Dept., testing for licensure, rules and regulations subject to Administrative Procedure Act, numerous code secs. amended	
H. 225 (By Page)	73
Motor vehicles, Medal of Honor, Purple Heart, and Prisoners of War, distinctive license plates, add'l. payment of ad valorem tax, Sec. 32-6-250 am'd.	
H. 378 (By Morrison)	97
Distinctive license plates, price reduced for retired or active educators to purchase, spouse of retired or active educator may purchase, distinc. license plates for Masons auth., Sec. 32-6-302 am'd.	
H. 232 (By Turner)	57
Waterworks systems, of muns. or cert. corporations, duplicating service or acquiring prohib., Sec. 11-50-1.1 am'd.	
H. 251 (By Black M)	116
Marshal and deputy marshal, appellate cts., law enforcement subsistence allow. provided, Sec. 36-21-2 am'd.	
H. 784 (By Venable)	133
Newspapers, legal advertisements and notices, requirements to qualify for publishing, provided, Sec. 6-8-60 am'd	
H. 428 (By Newton D)	26
Nuisances, abatement of drug-related, procedures, penalties	

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H. 268 (By Millican) 18

Law enforcement officer, exempt from liability for the operation of a law enforcement motor vehicle, penalties incr. for fleeing or attempting to elude law officer, Secs. 32-1-4, 32-5A-115, 32-5A-193 am'd.

H. 652 (By Clouse) 93

Eminent domain, condemnation action, definition, costs, time period for hearing eliminated, Secs. 18-1A-3, 18-1A-276, 18-1A-291, 18-1A-293 am'd.

H. 741 (By Graham) 128

Adult day care centers, Dept. of human resources to estab. standards, Sec. 38-2-6 am'd.

H. 885 (By Hooper) 187

Police officers, St. Capitol, auth. to receive badge and pistol upon retirement, Sec. 36-21-8 am'd.

H. 573 (By Hinshaw) 149

Teachers' Retirement System, Employees' Retirement System, prior service credit with Job Corps, auth., Sec. 36-27-15.2 am'd.

On motion of Representative Carter, the resolution, H.R. 421, was adopted.

**SPECIAL ORDER CALENDAR**

The House then proceeded with the consideration of the Special Order Calendar.

**H. 372 TAKEN UP**

And the bill:

H. 372. To authorize a compact to be known as "The Interstate Compact on Agricultural Grain Marketing" to promote and encourage the comprehensive and continuing studies and investigations of agricultural grain marketing practices, procedures, and controls and their relationship to and effect upon the citizens and economies of the member states; to provide for recommendations shall be made for the correction of weaknesses and solutions to problems in the present system

of agricultural grain marketing or the development of alternatives to the present system; to provide for membership in the Interstate Agricultural Grain Marketing Commission; and to provide for the organization, structure, financing and the powers and duties of the commission.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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#### **BUDGET ISOLATION RESOLUTION OFFERED**

Representative Sanderson offered the motion to adopt the Budget Isolation Resolution relating to the bill, S. 139.

#### **TIME TO DEBATE EXPIRED**

In accordance with the resolution, H.R. 421, the time to debate the bill, S. 139, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

#### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative McDaniel, the Budget Isolation Resolution relating to the bill, S. 238, was adopted.

Yeas 77; Nays 0.

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Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Graham, Guin, Hall (A), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

S. 238. To amend Section 16-25A-17, Code of Alabama 1975, as amended by Act No. 95-538, 1995 Regular Session, relating to the Public Education Employees' Health Insurance Program, to allow the Public Education Employees' Health Insurance Board to provide additional funding for retirees.

was read a third time at length and passed.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

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**MOTION TO RECONSIDER ADOPTED**

Having voted on the prevailing side, Representative McDaniel offered the motion to reconsider the vote by which the bill, S. 238, was passed, and the motion to reconsider was adopted.

And the bill, S. 238, was again taken up.

## SUBSTITUTE OFFERED

Representative McDaniel offered the following substitute to the bill, S. 238:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 16-25A-17, Code of Alabama 1975, as amended by Act No. 95-538, 1995 Regular Session, relating to the Public Education Employees' Health Insurance Program, to allow the Public Education Employees' Health Insurance Board to provide additional funding for retirees.

## BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-25A-17, Code of Alabama 1975, as amended by Act No. 95-538, 1995 Regular Session, is amended to read as follows:

"§16-25A-17.

"(a)(1) Any ~~appropriations~~ premiums paid to the Public Education Employees' Health Insurance Board for the fiscal year ending September 30, 1985, and premiums each year thereafter for active employees shall include an amount to partially fund the cost of coverage for retired employees; ~~provided that in the event. Notwithstanding the foregoing, if the plan shall become~~ becomes fully funded pursuant to the ~~provisions of~~ this chapter, this section shall not apply.

"(2) The amount authorized by subdivision (1) of this subsection ~~(a)(1) of this section~~ shall not be less than an amount determined by multiplying the number of retired employees by an individual retired employee rate. The individual retired employee rate shall be determined by multiplying the full cost of coverage for a retired employee eligible to receive benefits under the federal Medicare program times the fractional amount derived by dividing the current individual premium for an employee not eligible for benefits under the federal Medicare program by the full cost of coverage for an employee not eligible to receive benefits under the federal Medicare program. The Public Education Employees' Health Insurance Board may provide additional premium payments for retirees in addition to the minimum amount guaranteed herein to the extent that it does not exceed the amount of their premium as established by the board. Any additional funding for premium amounts which may be provided to retirees with individual coverage who are not eligible for benefits under the federal Medicare program by the Public Education Employees' Health Insurance Board shall not have the effect of reducing the out-of-pocket cost below the total out-of-pocket cost paid by retirees with individual coverage who are eligible for benefits under the federal Medicare program. The total out-of-pocket cost for the retirees with individual coverage who are eligible for benefits under the federal Medicare program shall be determined by the combined cost of part B of the federal Medicare program and the Medicare supplement program provided by the Public Education Employees' Health Insurance Program.

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"(3) Any premium payments made pursuant to this section shall be deposited in the same fund and handled pursuant to the same manner as if made under ~~the provisions of this chapter.~~

"(b) ~~The provisions of this~~ This section ~~are~~ is supplemental and shall be construed in pari materia with other statutes relating to health insurance coverage for educational personnel."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

**SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, McClammy, McDaniel, McMillan, Melton, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Robinson, Rogers (J), Sanderford, Sims, Smith, Spratt, Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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And the bill, S. 238, as amended, was again read a third time at length and passed.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dolbare, Dukes, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Robinson, Rogers (M), Sanderford, Sims, Smith, Townsend, Vance, Warren, White and Willis.

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**BUDGET ISOLATION RESOLUTION OFFERED**

Representative Carns offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 860.

**H. 860 RECOMMITTED**

On motion of Representative Fuller, the Speaker recommitted the bill, H. 860, and the pending Budget Isolation Resolution from the Calendar to the Standing Committee on Ways and Means.

Yeas 36; Nays 35.

Yea:

Representatives Bandy, Black (L), Box, Burke, Buskey, Clark (W), Collins, Flowers, Ford, Fuller, Galliher, Gipson, Graham, Guin, Hall (L), Hayden, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Kennedy, McAdory, McMillan, Melton, Millican, Morrison, Murphree, Page, Penry, Perdue, Reed, Spratt, Thomas (J) and Turnham.

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Nay:

Mr. Speaker, Black (M), Carns, Carter, Clouse, Crigler, Curry, Dean, Dukes, Gaines, Gaston, Hall (A), Haney, Hawkins, Hill, Jorgensen, Knight (A), McDaniel, Minnifield, Moore, Morrow, Morton, Newton (D), Papucci, Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Thomas (D), Townsend and Turner.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, H. 524, was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gainess, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree,



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Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 524. To amend Section 9-1-4 of the Code of Alabama 1975, which provides that, unless designated, violations of Title 9 of the Code of Alabama 1975, or of rules and regulations approved by the advisory board of Department of Conservation and Natural Resources are designated as misdemeanors to provide that violations of Title 9 or of rules and regulations of the Commissioner of Conservation and Natural Resources or the advisory board would be designated as Class C misdemeanors, punishable as provided by law.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McDaniel, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Venable, Warren, Willis and Wren.

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**RESOLUTION**

The following resolution was introduced:

By Representatives Holmes, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy,

McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

**H.J.R. 422. MOURNING THE DEATH OF JULIA RUTH BATEMAN KNIGHT.**

WHEREAS, it is with profound sorrow and a deep sense of personal loss that the Alabama Legislature records the death of Julia Ruth Bateman Knight of Montgomery, Alabama, on April 18, 1996; and

WHEREAS, Mrs. Knight, mother of our friend and colleague, Representative John F. Knight, Jr., was a prominent and truly beloved member of the Montgomery Community, and a distinguished Alabamian, whose good deeds earned for her the highest admiration and respect of countless individuals whose lives were touched by her genuine love and concern; and

WHEREAS, a devout and deeply dedicated Christian, Mrs. Knight served as a symbol of strength and inspiration at St. John's AME Church, and worked tirelessly in all phases of church activity; and

WHEREAS, Mrs. Knight established an unparalleled record in both civic and professional leadership and involvement in numerous organizations, and indeed served as a worthy role model for the people of her community and state; and

WHEREAS, blessed with love, warmth, affection, and friendships, Mrs. Knight is survived by her loving and devoted husband, Johnnie F. Knight, Sr.; three sons, John, Winston and E.J. Knight; one daughter, Patricia Gary; three grandsons, Tehrik Knight, William Gary, Jr., and John Patrick Gary; four granddaughters, Tamara Flemming, Taquisha Knight, Karmen Gary, and Ashley Knight; two great granddaughters, Kamillah Knight and Taylor Flemming; and other members of her extended family and friends who share with countless others their great and grievous loss; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as her death is mourned, thanks are given to God for the life and service of Julia Ruth Bateman Knight and, by copy of this resolution, deepest sympathy is hereby extended to her loving family with our sincere condolence.

On motion of Representative Holmes, the rules were suspended and the resolution, H.J.R. 422, was adopted.

**SPECIAL ORDER CALENDAR RESUMED**

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Boyd, the Budget Isolation Resolution relating to the bill, H. 192, was adopted.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Maull, McAdory, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Vance, Warren, Willis and Wren.

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And the bill:

H. 192. (With Amendment): To provide for elective course credit for certain public high school students who participate in YMCA Youth and Government programs.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Education to the bill, H. 192, said committee amendment being as follows:

Amend H. 192, Section 1, Page 2, item a, lines 1 and 2, by deleting ~~any law to the contrary notwithstanding, each~~ and inserting in lieu thereof the following:  
Each

Further amend H. 192, Section 1, Page 2, item a, line 5, by adding after the word "participation" providing that Section 16-28-5, Code of Alabama, 1975, which requires 140 days of instruction by a certified teacher is adhered to

Further amend H. 192, Section 1, Page 2, item d, lines 14 and 15, by deleting after the word "by" ~~the State Board of Education~~ and adding local boards of education

Further amend H. 192, Section 1, page 2, item e, line 16, by deleting ~~The State Board of Education~~ and adding Local boards of education

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dolbare, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Maul, McAdory, McDaniel, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Penry, Perdue, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Willis and Wren.

-68

And the bill:

H. 192. To provide for elective course credit for certain public high school students who participate in YMCA Youth and Government programs.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Maul, McAdory, McClammy, McDaniel, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Perdue, Pringle, Reed, Robinson, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Warren, Willis and Wren.

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**MOTION TO RECONSIDER ADOPTED**

Having voted on the prevailing side, Representative Boyd offered the motion to reconsider the vote by which the bill, H. 192, as amended, was passed, and the motion to reconsider was adopted.

And the bill, H. 192, as amended, was again taken up.

**AMENDMENT OFFERED**

Representative Boyd offered the following amendment to the bill, H. 192, as amended:

On page 2, lines 1 to 2, inclusive, delete the language "Any law to the contrary notwithstanding, each" and insert in lieu thereof: Each

On page 2, line 5, by adding after the word "participation" the following language: providing that Section 16-28-5, Code of Alabama 1975, which requires 140 days of instruction by a certified teacher is adhered to

On page 2, lines 14 and 15, inclusive, delete the language "the State Board of Education and insert in lieu thereof: local boards of education

On page 2, line 16, delete the language "The State Board of Education" and insert in lieu thereof: Local boards of education

On page 3, lines 1 to 4, inclusive, delete Section 4 in its entirety and insert in lieu thereof:

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carter, Clouse, Collins, Crigler, Curry, Dolbare, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Johnson (E), Jorgensen, Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Warren, Willis and Wren.

And the bill:

H. 192. To provide for elective course credit for certain public high school students who participate in YMCA Youth and Government programs.

as amended, was again read a third time at length and passed, and ordered engrossed.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Curry, Dolbare, Dukes, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Perdue, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Willis and Wren.

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### PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Crigler intended to vote "Yea" on passage of the bill, H. 192, as amended.

### BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Baker, the Budget Isolation Resolution relating to the bill, H. 194, was adopted.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Curry, Dean, Dolbare, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Reed,

Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Warren, Willis and Wren.

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**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 896. To amend Sections 40-23-35 and 40-23-36, Code of Alabama 1975, to limit the amount of sales tax discount that may be allowed to \$900 per month per license holder; and to distribute and appropriate the additional sales tax revenue generated beginning October 1, 1996, until September 30, 2002, to the Department of Conservation and Natural Resources for capital outlay for the state parks. Beginning October 1, 2002, \$5,000,000 of the additional revenue generated annually will be distributed and is appropriated to the Department of Conservation and Natural Resources for capital outlay, repairs, and maintenance of state parks and the remainder shall be credited to the State General Fund.

TOMMY CARTER  
Chairman

And the bill, H. 896, as engrossed, was ordered sent to the Senate.

**H. 194 TAKEN UP**

And the bill:

H. 194. (With Amendment): To amend Section 36-21-4.1, Code of Alabama 1975, to provide that nonelected county law enforcement officers be compensated for overtime pursuant to the Federal Fair Labor Standards Act; and to provide that the officers may receive compensatory leave for overtime hours worked.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Government to the bill, H. 194, said committee amendment being as follows:

Amend H. 194 on Page 3, line 8 after the word "worked." by inserting the following new language: The decision as to whether a nonelected law enforcement officer shall receive overtime pay or compensatory leave shall be at the option of the officer as prescribed in this subsection.

Further amend H. 194 on Page 3, line 12 by deleting the word ~~may~~ and inserting in lieu thereof the following: shall

### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Venable, Willis and Wren.

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And the bill:

H. 194. To amend Section 36-21-4.1, Code of Alabama 1975, to provide that nonelected county law enforcement officers be compensated for overtime pursuant to the Federal Fair Labor Standards Act; and to provide that the officers may receive compensatory leave for overtime hours worked.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson,



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Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Venable, Warren, Willis and Wren.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Knight (J), the Budget Isolation Resolution relating to the bill, H. 463, was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Townsend, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 463. (With Amendment): To amend Section 41-16-3, Code of Alabama 1975, relating to public contracts, to provide for the timely payment by a contracting party to subcontractors.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration to the bill, H. 463, said committee amendment being as follows:

Amend House Bill 463 on page 2, Section 1, line 19 by striking the word ~~with~~ and inserting in lieu thereof the word within

Also amend on page 2, line 25 by deleting the words ~~was questioning~~ and insert in lieu thereof the word questions

### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 463. To amend Section 41-16-3, Code of Alabama 1975, relating to public contracts, to provide for the timely payment by a contracting party to subcontractors.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable, Warren, Willis and Wren.

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**CO-SPONSORS ADDED**

The following were added as co-sponsors to the bill, H. 463, as amended:

Representatives Allen, Baker, Bandy, Black (M), Boyd, Burke, Carns, Carothers, Clark (J), Clark (W), Clouse, Crigler, Dolbare, Gaines, Galliher, Gaston, Gipson, Graham, Hall (L), Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Minnifield, Mitchell, Morton, Papucci, Payne, Perdue, Robinson, Sanderford, Seibenhener, Spratt, Thomas (D), Townsend, Vance, Venable and Warren.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Moore, the Budget Isolation Resolution relating to the bill, H. 396, was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Burke, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Gaston, Graham, Guin, Hall (A), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Townsend, Vance, Venable, White, Willis and Wren.

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And the bill:

H. 396. (With Amendment): To amend Section 36-27-57, Code of Alabama 1975, to reopen the Employees' Retirement System for purchase of credit for certain prior service with a district attorney.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means to the bill, H. 396, said committee amendment being as follows:

Amend H. 396 on Page 2, line 22, by adding after the word "presently" the words "or formerly".

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Burke, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Gaston, Graham, Guin, Hall (A), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Townsend, Vance, Venable, White, Willis and Wren.

-77

And the bill:

H. 396. To amend Section 36-27-57, Code of Alabama 1975, to reopen the Employees' Retirement System for purchase of credit for certain prior service with a district attorney.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Burke, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Townsend, Vance, Venable, White, Willis and Wren.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Carothers, the Budget Isolation Resolution relating to the bill, H. 697, was adopted.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Burke, Carns, Carothers, Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, Maull, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Perdue, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Townsend, Turner, Vance, White and Willis.

-69

And the bill:

H. 697. To provide further for the rights and interest in right-of-way property by a person who deeds property to the county or to a public entity, or whose property is taken by the county in condemnation proceedings for purposes of right-of-way.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, White and Willis.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Hill, the Budget Isolation Resolution relating to the bill, H. 646, was adopted.

Yeas 61; Nays 1.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Burke, Buskey, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Holmes, Hooper, Johnson (E), Jorgensen, Kennedy, Knight (A), Lindsey, McClammy, McDaniel, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Reed, Rogers (M), Sanderford, Smith, Spratt, Starkey and White.

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Nay:

Representative Payne.

- 1

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 86. To make certain statutory changes to the Board of Examiners in Psychology suggested by the Alabama Sunset Committee pursuant to Section 41-20-5, Code of Alabama 1975; to amend Sections 34-26-21, 34-26-40, and 34-26-41, Code of Alabama 1975, relating to the board, so as to exempt public board members from the nomination process in filling vacancies on the board; and to provide further for qualifications of applicants and exempted groups.

McDOWELL LEE  
Secretary

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S.J.R. 88. URGING CONGRESS TO APPROVE THE "TRUTH IN BUDGETING ACT."

McDOWELL LEE  
Secretary

### **SIGNING OF SENATE JOINT RESOLUTION**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the foregoing Message from the Senate.

### **MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 86. To make certain statutory changes to the Board of Examiners in Psychology suggested by the Alabama Sunset Committee pursuant to Section 41-20-5, Code of Alabama 1975; to amend Sections 34-26-21, 34-26-40, and 34-26-41, Code of Alabama 1975, relating to the board, so as to exempt public board members from the nomination process in filling vacancies on the board; and to provide further for qualifications of applicants and exempted groups.

McDOWELL LEE  
Secretary

### **SIGNING OF SENATE BILL**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

### **H. 646 TAKEN UP**

And the bill:

H. 646. (With Amendment): To amend Section 41-14-4 of the Code of Alabama 1975, relating to state depositaries, so as to allow the state to pay state depositaries for the transfer or removal of funds to or from the state depositaries, item handling charges, and for any other services performed by the state depositary.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Banking to the bill, H. 646, said committee amendment being as follows:

Amend H. 646 on Page 2, line 15, after the word "then" by inserting the following: the charges for these services shall be determined by the state treasurer and

Further amend H. 646 on page 2, lines 21 through 23, by deleting the lines in their entirety and inserting in lieu thereof the following:

Section 2. This act shall become effective October 1, 1996.

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Galliher, Gipson, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, Maull, McClammy, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sims, Smith, Starkey, Turnham, Vance, Venable and Willis.

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#### AMENDMENT OFFERED

Representative Hill offered the following amendment to the bill, H. 646, as amended:

Amend H. 646, on Page 2, Lines 15 and 16, by deleting the following language: "the charges for these services shall be determined by the state treasurer and".

#### AMENDMENT ADOPTED

And the amendment was adopted.



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Yeas 74; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hawk, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Vance, Warren, White and Willis.

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And the bill:

H. 646. To amend Section 41-14-4 of the Code of Alabama 1975, relating to state depositaries, so as to allow the state to pay state depositaries for the transfer or removal of funds to or from the state depositaries, item handling charges, and for any other services performed by the state depositary.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 83; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, Maull, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representative Payne.

- 1

**BUDGET ISOLATION RESOLUTION OFFERED**

Representative McMillan offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 628.

**TIME TO DEBATE EXPIRED**

In accordance with the resolution, H.R. 421, the time to debate the bill, H. 628, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Joint Resolution:

S.J.R. 32. CREATING THE HIGHER EDUCATION FUNDING ADVISORY COMMISSION.

McDOWELL LEE  
Secretary

**SPECIAL ORDER CALENDAR RESUMED****BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Townsend, the Budget Isolation Resolution relating to the bill, H. 105, was adopted.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Clouse, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Vance, Venable, Willis and Wren.

And the bill:

H. 105. (With Substitute): Relating to insurance, to provide further for an effective and efficient system whereby the Commissioner of Insurance may collect certain fees, licenses, and miscellaneous charges and deposit those receipts into the State Treasury; to create a fund to be known as the "Insurance Department Fund"; to provide for the distribution of the funds with fifty percent credited to the State General Fund and fifty percent credited to the "Insurance Department Fund"; to provide for the payment of certain expenses of the Department of Insurance; to appropriate those sums for certain expenses incurred by the Department of Insurance; and to allow the expenses of the Department of Insurance to continue to be paid by appropriations from the State General Fund for the fiscal years ending September 30, 1996 and 1997.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 105, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to insurance, to provide further for an effective and efficient system whereby the Commissioner of Insurance may collect certain fees, licenses, and miscellaneous charges and deposit those receipts into the State Treasury; to create a fund to be known as the "Insurance Department Fund"; to provide for the distribution of the funds with 50 percent credited to the State General Fund and 50 percent credited to the "Insurance Department Fund"; to provide for the payment of certain expenses of the Department of Insurance; to appropriate those sums for certain expenses incurred by the Department of Insurance; to provide that the unencumbered balances in the fund at the end of the fiscal year, up to a certain percentage, shall not revert to the State General Fund; and to allow the expenses of the Department of Insurance to continue to be paid by appropriations from the State General Fund for the fiscal year ending September 30, 1997, upon certain conditions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is created a fund in the State Treasury designated the "Insurance Department Fund" to be used for the operation of the Department of Insurance. Receipts deposited into this fund shall be disbursed only by warrants of the State Comptroller drawn upon the State Treasury on itemized vouchers approved by the Commissioner of Insurance. No funds shall be withdrawn or expended except as budgeted and allotted according to Sections 41-4-80 to 41-4-96, inclusive, and 41-19-1 to 41-19-12, inclusive, Code of Alabama 1975, and only in amounts as stipulated in the general appropriations act, other appro-

priation acts, or this bill. At the end of each fiscal year, any unencumbered and unexpended balance of up to 25 percent of the amount appropriated for that fiscal year shall not revert to the State General Fund under Section 41-4-93, Code of Alabama 1975, but shall carry over to the next fiscal year.

Section 2. Notwithstanding any other provision of law, the Commissioner of Insurance shall promptly pay all fees and licenses collected pursuant to Sections 10-4-111, 27-2-16, 27-3-29, 27-4-2, 27-7-7, 27-8-1, 27-8-5, 27-13-5, 27-13-24, 27-13-62, 27-21A-21, 27-34-6, 27-34-36, 27-34-47, 27-39-6, and 27-39-7, Code of Alabama 1975, into the State Treasury with 50 percent credited to the State General Fund and 50 percent credited to the Insurance Department Fund.

Section 3. There is appropriated from the Insurance Department Fund, established pursuant to this act, to the Department of Insurance an amount of three million five hundred thousand dollars (\$3,500,000) for the fiscal year ending September 30, 1997.

Section 4. Nothing in this act shall prevent continuing the practice of paying any of the direct or indirect expenses incurred by the Department of Insurance, including, but not limited to, those involving salaries, retirement, social security, and state-paid insurance premiums of state officers and employees, or any other expenses by appropriations from the State General Fund during the fiscal year ending September 30, 1997. However, the Department of Insurance shall repay the State General Fund from the Insurance Department Fund any and all amounts expended from the State General Fund during fiscal year 1996-97 by transfer no later than June 30, 1997, if the balance in the Insurance Department Fund is adequate, in the opinion of the Finance Director, to make this transfer without jeopardizing the continued operation of the Department of Insurance for the balance of the fiscal year, but in any event the transfer shall be made not later than September 30, 1997.

Section 5. All laws and parts of laws of this state inconsistent with this act are hereby superseded with respect to matters covered by this act.

Section 6. If any provisions of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application and for this purpose the provisions of this act are severable.

Section 7. This act shall become effective on October 1, 1996, upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Townsend, Turner, Vance, Venable, White, Willis and Wren.

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And the bill:

H. 105. Relating to insurance, to provide further for an effective and efficient system whereby the Commissioner of Insurance may collect certain fees, licenses, and miscellaneous charges and deposit those receipts into the State Treasury; to create a fund to be known as the "Insurance Department Fund"; to provide for the distribution of the funds with 50 percent credited to the State General Fund and 50 percent credited to the "Insurance Department Fund"; to provide for the payment of certain expenses of the Department of Insurance; to appropriate those sums for certain expenses incurred by the Department of Insurance; to provide that the unencumbered balances in the fund at the end of the fiscal year, up to a certain percentage, shall not revert to the State General Fund; and to allow the expenses of the Department of Insurance to continue to be paid by appropriations from the State General Fund for the fiscal year ending September 30, 1997, upon certain conditions.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, Maull, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, White, Willis and Wren.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Page, the Budget Isolation Resolution relating to the bill, H. 225, was adopted.

Yeas 84; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable and Willis.

-84

Nay:

Representative Sims.

- 1

And the bill:

H. 225. To amend Section 32-6-250, Code of Alabama 1975, relating to distinctive license plates; to provide that a Medal of Honor or Purple Heart Medal recipient or a duly recognized American Prisoner of War may be issued an additional distinctive license plate if the person pays the ad valorem taxes and fees for the second and subsequent license plate.

was taken up.

**SUBSTITUTE OFFERED**

Representative Page offered the following substitute to the bill, H. 225:

REGULAR SESSION  
22nd Day

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A BILL  
TO BE ENTITLED  
AN ACT

To amend Sections 32-6-250, 32-6-253, and 32-6-254, Code of Alabama 1975, relating to distinctive license plates, penalty for violation, and use and transferability; to provide that a Medal of Honor or Purple Heart Medal recipient or a duly recognized American Prisoner of War may be issued an additional distinctive license plate, if the registrant pays the ad valorem taxes and fees for the second and subsequent license plate; to provide penalty for operating a vehicle without annual renewal decals; and to provide that the surviving spouse shall be required to acquire annual decals for vehicles registered under Section 32-6-250.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-6-250, Code of Alabama 1975, is amended to read as follows:

"§32-6-250.

~~"A distinctive permanent~~ Distinctive license plates shall be issued to any resident of the state who is a recipient of the Medal of Honor issued by the United States armed forces or the Purple Heart Medal for combat wounded American veterans or who is a duly recognized American prisoner of war, or who is an American who was a duly recognized prisoner of war while serving with a formal American ally force, for use on a private motor vehicle registered in the recipient's name. ~~There shall be no fee or tax for such~~ A distinctive license plate shall be exempt from the privilege or license tax and registration fee (but not from the issuance fee) and ad valorem tax now or herein after to be levied on one private passenger or pleasure motor vehicle, except Purple Heart Medal recipients shall pay ad valorem taxes on vehicles for which such distinctive plates are issued, ~~and no recipient shall receive a plate for more than one vehicle.~~ A person eligible to be issued a distinctive license plate under this section may be issued additional distinctive license plates, under any of the above license plate categories, if such person otherwise qualifies to receive the distinctive license plate, upon payment of all license tax and registration fees, including ad valorem taxes, for the vehicles. Annual renewal decals shall be provided after payment (if required) of license fees and taxes for the years during which a new tag or plate is not issued as provided in Section 32-6-63 of the Code of Alabama 1975."

Section 2. Section 32-6-253, Code of Alabama 1975, is amended to read as follows:

"§32-6-253.

"Effective January 1, 1998, The the provisions of this division shall not affect the registration and licensing of motor vehicles as required by other provisions of the Code of Alabama 1975, but shall be cumulative thereto. Any person violating

the provisions of this division or any person who (i) fraudulently gives false or fictitious information in any application for a special license plate, as authorized in this division, (ii) conceals a material fact, ~~or~~ (iii) otherwise commits a fraud in any such application or in the use of any special license plate issued or (iv) is convicted of operating a vehicle displaying one of the distinctive license plates authorized in Section 32-6-250 without the annual renewal decals, or with expired renewal decals as provided under Section 32-6-63 shall be guilty of a Class C misdemeanor as defined by the Code of Alabama 1975."

Section 3. Section 32-6-254, Code of Alabama 1975, is amended to read as follows:

"§32-6-254.

"The use and transferability of such plates shall be the same as the method used for national guard and air national guard plates as provided in sections 32-6-111 through 32-6-114. ~~Provided, however, said license plates shall be permanent in nature and shall not be reissued each year. A recipient shall be entitled to keep his license plate for life.~~ Provided further, upon the death of any recipient, the surviving spouse shall be entitled to retain said distinctive ~~permanent~~ plates, and shall be entitled to the registration fee and/or ad valorem tax exemptions granted under Section 32-6-250 at no fee or tax, except that surviving spouses of Purple Heart Medal recipients shall pay ad valorem taxes due, for one for private motor vehicles owned by the surviving spouse for the remainder of said spouse's lifetime or until his/her remarriage."

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective on January 1, 1997.

### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Cams, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson,



Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, White and Willis.

-84

And the bill:

H. 225. To amend Sections 32-6-250, 32-6-253, and 32-6-254, Code of Alabama 1975, relating to distinctive license plates, penalty for violation, and use and transferability; to provide that a Medal of Honor or Purple Heart Medal recipient or a duly recognized American Prisoner of War may be issued an additional distinctive license plate, if the registrant pays the ad valorem taxes and fees for the second and subsequent license plate; to provide penalty for operating a vehicle without annual renewal decals; and to provide that the surviving spouse shall be required to acquire annual decals for vehicles registered under Section 32-6-250.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, White and Wren.

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#### **BUDGET ISOLATION RESOLUTION OFFERED**

Representative Morrison offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 378.

**TIME TO DEBATE EXPIRED**

In accordance with the resolution, H.R. 421, the time to debate the bill, H. 378, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 396. To amend Section 36-27-57, Code of Alabama 1975, to reopen the Employees' Retirement System for purchase of credit for certain prior service with a district attorney.

TOMMY CARTER  
Chairman

And the bill, H. 396, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 192. To provide for elective course credit for certain public high school students who participate in YMCA Youth and Government programs.

TOMMY CARTER  
Chairman

And the bill, H. 192, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 194. To amend Section 36-21-4.1, Code of Alabama 1975, to provide that nonelected county law enforcement officers be compensated for overtime pursuant to the Federal Fair Labor Standards Act; and to provide that the officers may receive compensatory leave for overtime hours worked.

TOMMY CARTER  
Chairman

And the bill, H. 194, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 463. To amend Section 41-16-3, Code of Alabama 1975, relating to public contracts, to provide for the timely payment by a contracting party to subcontractors.

TOMMY CARTER  
Chairman

And the bill, H. 463, as engrossed, was ordered sent to the Senate.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S.J.R. 32. CREATING THE HIGHER EDUCATION FUNDING ADVISORY COMMISSION.

McDOWELL LEE  
Secretary

**SIGNING OF SENATE JOINT RESOLUTION**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the foregoing Message from the Senate.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 95. PERMANENTLY DESIGNATING EACH WEDNESDAY OF LAW WEEK AS LEGAL ASSISTANT AND PARALEGAL DAY IN ALABAMA.

Also:

S.J.R. 96. COMMEMORATING THE LIFE OF CHARLES RAY SWEAT.

Also:

S.J.R. 97. COMMENDING JACK E. RAVAN FOR HIS OUTSTANDING CONTRIBUTIONS TO THE STATE OF ALABAMA.

McDOWELL LEE  
Secretary

**SIGNING OF SENATE JOINT RESOLUTIONS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

**SPECIAL ORDER CALENDAR RESUMED****BUDGET ISOLATION RESOLUTION OFFERED**

Representative Turner offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 232.

**TIME TO DEBATE EXPIRED**

In accordance with the resolution, H.R. 421, the time to debate the bill, H. 232, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 388. To amend Sections 23-6-2 and 23-6-8 of the Code of Alabama 1975, to provide for the Alabama Industrial Access Road and Bridge Corporation to use an annual appropriation from the State Public Road and Bridge Fund to assure the availability of funds for the cost of constructing certain industrial access roads and bridges; to provide that no further bonds of the corporation shall be issued after the series 1995 bonds dated August 1, 1995; to provide an annual appropriation of \$11,000,000 from the State Public Road and Bridge Fund of the State Department of Transportation to be used for industrial access roads and bridges projects; and to provide for the effective date of this act.

McDOWELL LEE  
Secretary

**SIGNING OF SENATE BILL**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

**SPECIAL ORDER CALENDAR RESUMED**

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Black (M), the Budget Isolation Resolution relating to the bill, H. 251, was adopted.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Burke, Carothers,

Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Lindsey, McAdory, McDaniel, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Venable, Warren, White and Willis.

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And the bill:

H. 251. To amend Section 36-21-2 of the Code of Alabama 1975, to provide a subsistence allowance to the marshal and deputy marshals employed by the state appellate courts.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Burke, Clouse, Crigler, Dean, Dolbare, Drake, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Lindsey, McAdory, McKee, Melton, Millican, Minnifield, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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### **H. 738 INDEFINITELY POSTPONED**

On motion of Representative McKee, the Budget Isolation Resolution and the bill:

H. 738. Relating to Montgomery County; providing further for the compensation of the elected official in the position of the revenue commissioner.

which were previously temporarily carried over were indefinitely postponed.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative McKee, the Budget Isolation Resolution relating to the bill, H. 928, which was previously temporarily carried over was adopted.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Carns, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Gipson, Guin, Hammett, Haney, Hawkins, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Lindsey, McAdory, McClammy, McKee, Melton, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Perdue, Pringle, Robinson, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Warren, Willis and Wren.

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And the bill:

H. 928. Relating to Montgomery County; providing further for the compensation of the elected official in the Office of the Revenue Commissioner.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Carns, Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Papucci, Parker (P), Payne, Penry, Perdue, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Willis and Wren.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Venable, the Budget Isolation Resolution relating to the bill, H. 784, was adopted.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carter, Clouse, Collins, Curry, Dean, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, White, Willis and Wren.

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#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 396. COMMENDING CORENE NICHOLS PHILLIPS OF CENTER, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

H.J.R. 398. COMMENDING THE ABBEVILLE HIGH SCHOOL BASKETBALL TEAM ON ITS 4-A STATE BASKETBALL CHAMPIONSHIP.

McDOWELL LEE  
Secretary

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 238. To amend Section 16-25A-17, Code of Alabama 1975, as amended by Act No. 95-538, 1995 Regular Session, relating to the Public Education Employees' Health Insurance Program, to allow the Public Education Employees' Health Insurance Board to provide additional funding for retirees.

McDOWELL LEE  
Secretary



**H. 784 TAKEN UP**

And the bill:

H. 784. To amend Section 6-8-60 of the Code of Alabama 1975, to further provide for the qualifications of a newspaper to publish public notices and legal advertisements.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, White, Willis and Wren.

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**BUDGET ISOLATION RESOLUTION OFFERED**

Representative Newton (D) offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 428.

**TIME TO DEBATE EXPIRED**

In accordance with the resolution, H.R. 421, the time to debate the bill, H. 428, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Millican, the Budget Isolation Resolution relating to the bill, H. 268, was adopted.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Burke, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, McClammy, McDaniel, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Townsend, Vance, Venable, White and Willis.

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And the bill:

H. 268. (With Amendment): To amend Section 32-1-4 of the Code of Alabama 1975, relating to appearance upon arrest of a person for a traffic violation for a misdemeanor, Section 32-5A-115 of the Code of Alabama 1975, relating to the operation of emergency vehicles, and Section 32-5A-193 of the Code of Alabama 1975, relating to fleeing or attempting to elude a law enforcement officer; to provide that a person arrested for failure to stop, fleeing, or attempting to elude a law enforcement officer shall upon arrest be taken to the nearest or most accessible magistrate; to specify the conditions under which a pursuing law enforcement officer may be found to have contributed to the causation of damages, injury, or death caused by a fleeing suspect; to change certain penalty provisions applicable to the offense of fleeing or attempting to elude a law enforcement officer; to provide for the mandatory nature of certain penalty provisions; and create a new crime of attempting to elude or flee a law enforcement officer under specified aggravated circumstances a crime and provide penalties therefor.

was taken up.

### **SUBSTITUTE OFFERED**

Representative Millican offered the following substitute to the bill, H. 268, and to the pending amendment reported by the Standing Committee on Public Welfare:

#### **A BILL TO BE ENTITLED AN ACT**

To amend, Section 32-1-4 of the Code of Alabama 1975<sup>1</sup>, relating to appearance upon arrest of a person for a traffic violation for a misdemeanor; to provide

that a person arrested for a traffic violation punishable as a misdemeanor would be required to appear before a magistrate in certain cases where the person is not validly licensed or whose identity cannot be established by the arresting officer and to provide that a person arrested for failure to stop within a reasonable time, flee, or elude a law enforcement officer shall upon arrest be taken to the nearest or most accessible magistrate, to amend Sections 32-5A-115 and 32-5A-193 of the Code of Alabama 1975, relating to the operation of emergency vehicles and to fleeing or attempting to elude a law enforcement officer; to specify the conditions under which a pursuing law enforcement officer may be found to have contributed to the causation of damages, injury, or death caused by a fleeing suspect; to change certain penalty provisions applicable to the offense of fleeing or attempting to elude a law enforcement officer; to provide for the mandatory nature of certain penalty provisions; and create a new crime of attempting to elude or flee a law enforcement officer under specified aggravated circumstances a crime and provide penalties therefor.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 32-1-4, 32-5A-115, and 32-5A-193 of the Code of Alabama 1975, are amended to read as follows:

"§32-1-4.

"(a) Whenever any person is arrested for a violation of ~~any provisions of this title~~ punishable as a misdemeanor, the arresting officer shall, unless otherwise provided in this section, after establishing the identity of the person to the satisfaction of the officer, take the name and address of ~~such the~~ person and the license number of his or her motor vehicle and issue a summons or otherwise notify him or her in writing to appear at a time and place to be specified in ~~such the~~ summons or notice, ~~and such~~. The person shall, if he or she so ~~desire~~ desires, have a right to an immediate hearing or a hearing within 24 hours at a convenient hour ~~and such~~. The hearing ~~to shall~~ be before a magistrate within the county or city where ~~such the~~ offense was committed. ~~Such The~~ officer shall ~~thereupon and~~ upon the ~~giving posting~~ by ~~such the~~ person of a sufficient written bond, approved by the arresting officer, to appear at ~~such the~~ time and place, ~~forthwith~~ release ~~the person~~ him from custody.

"Any person ~~refusing~~ whose identity cannot be established by the officer or ~~who refuses~~ to give ~~such the~~ bond to appear shall be taken immediately by the arresting officer before the nearest or most accessible magistrate.

"Any person who willfully violates ~~his the~~ written bond to appear, given in ~~accordance with~~ pursuant to this section, shall be guilty of a misdemeanor regardless of the disposition of the charge upon which he or ~~she~~ was originally arrested.

"(b) ~~The provisions of this~~ This section shall not apply: (1) to any person arrested and charged with an offense causing or contributing to an accident

resulting in injury or death to any person; ~~nor (2) to any person charged with driving while under the influence of intoxicating liquor or of narcotic or other drugs; nor (3) to any person whom the arresting officer shall have good cause to believe has committed any felony, and; (4) to any person driving while his or her driver's license has been cancelled, suspended, or revoked, or a person driving who is not licensed to drive; nor (5) to any person who fails or refuses to bring his or her motor vehicle to a stop within a reasonable time or who otherwise flees or attempts to elude a pursuing law enforcement vehicle when given a visual or audible signal or sign to bring the vehicle to a stop.~~ In any of the above cases, the arresting officer shall take ~~such~~ the person forthwith before the nearest or most accessible magistrate.

"(c) Any officer violating ~~any of the provisions of~~ this section shall be guilty of misconduct in office and shall be subject to removal from office."

"§32-5A-115.

"(a) Upon the immediate approach of an authorized emergency vehicle equipped with at least one lighted lamp and audible signal ~~as is required by law,~~ the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain ~~in such position~~ stopped until the authorized emergency vehicle has passed, except when ~~otherwise directed by a police~~ law enforcement officer.

"(b) This section shall not ~~operate to~~ relieve the driver of an authorized emergency vehicle from the duty to drive with regard for the safety of all persons using the highways.

"(c) (1) When a law enforcement officer in a law enforcement vehicle is pursuing a fleeing suspect who is in another vehicle and the fleeing suspect damages any property or injures or kills any person during the pursuit, the pursuit shall not be deemed the proximate cause or a contributing proximate cause of the damage, injury, or death caused by the fleeing suspect unless the law enforcement officer acted with reckless disregard for proper law enforcement procedures in initiating or continuing the pursuit. Where reckless disregard exists, the pursuit may be found to constitute a proximate cause of the damage, injury, or death caused by the fleeing suspect, but the existence of reckless disregard shall not alone establish causation.

"(2) This subsection shall apply only to issues of causation and duty and shall not affect the existence or absence of immunity.

~~"(e) (d)"~~ Authorized emergency vehicles shall be equipped with at least one lighted lamp exhibiting a colored light as hereinafter provided visible under normal atmospheric conditions from a distance of 500 feet to the front of ~~such the~~ vehicle and a siren, exhaust whistle, or bell capable of giving an audible signal. The color of the lighted lamp exhibited by ~~police~~ law enforcement vehicles may be red or

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blue and the color of the lighted lamp exhibited by fire department and other authorized emergency vehicles, including ambulances, shall be red. No vehicle other than a law enforcement vehicle will use a blue light. An amber or yellow light may be installed on any vehicle or class of vehicles designated by the director of public safety, but such the light shall serve as a warning or caution light only, and shall not cause other vehicles to yield the right-of-way. ~~This provision shall not operate to relieve the~~ The driver of an emergency vehicle is not relieved from the duty to drive with due regard for the safety of all persons using the highway nor shall it protect the driver of any such the vehicle from the consequences of an arbitrary exercise of such a right-of-way."

"§32-5A-193.

"(a) Any driver of a motor vehicle who willfully fails or refuses to bring his or her vehicle to a stop within a reasonable time, or who otherwise flees or attempts to elude a pursuing police law enforcement vehicle, when given a visual or audible signal to bring the vehicle to a stop, shall be guilty of a misdemeanor. The signal given by the police law enforcement officer may be by hand, voice, emergency light, or siren.

~~"(b) Every person convicted of fleeing or attempting to elude a police officer shall be punished by imprisonment for not less than 30 days nor more than six months or by a fine of not less than \$100.00 nor more than \$300.00, or by both such fine and imprisonment.~~

"(b) (1) A first conviction of subsection (a) is a Class B misdemeanor, and the fine shall not be suspended or stayed. A period of imprisonment of more than 10 days may, in the sole discretion of the judge, be suspended, stayed, or probated.

"(2) A second conviction of subsection (a) within a five-year period of time, as measured from the date of the current arrest for which a conviction is obtained is a Class A misdemeanor, and the fine shall not be suspended, or stayed. A period of imprisonment of more than 30 days may, in the discretion of the judge, be suspended, stayed, or probated.

"If the payment of a fine will impose an economic hardship on the defendant, the judge, at his or her sole discretion, may order the defendant to pay the fine in installments and the orders may be enforced through a contempt proceeding or a revocation of any probation otherwise authorized by this subdivision.

"(3) A third or subsequent conviction of subsection (a) within a 10 year period of time, as measured from the dates of previous arrests for which a conviction was obtained to the date of the current arrest for which a conviction is obtained, is a Class C felony, and the fine shall not be suspended or stayed. A period of imprisonment of more than one year and a day may, in the discretion of the judge, be suspended, stayed, or probated.

"If the payment of a fine will impose an economic hardship on the defendant, the judge, at his or her sole discretion, may order the defendant to pay the fine in installments and the orders may be enforced through a contempt proceeding or a revocation of any probation otherwise authorized by this subsection.

"(4) Notwithstanding the limits set forth in any municipal charter, any municipal court may impose the punishments provided for in this subsection upon a conviction of violating this subsection or upon conviction of violating any ordinance adopting the provisions of this subsection.

"(c) A violation of subsection (a) by a person who, while fleeing or attempting to elude a pursuing law enforcement vehicle or law enforcement officer in an attempt to escape arrest for a felony offense other than a violation of subsection (a), operates his or her vehicle in excess of 30 miles an hour above the posted speed limit, strikes or collides with another vehicle or a pedestrian, flees in traffic conditions which place the general public at risk of receiving serious injuries, or leaves the state shall be guilty of Class B felony.

"(d) The sentence for a violation of subsection (c) may not be suspended, probated, deferred, or withheld, and the charge shall not be reduced to a lesser offense, merged with any other offense, or served concurrently with any other offense."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 74; Nays 1.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Burke, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Petelos, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

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Nay:

Representative Payne.

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And the bill:

H. 268. To amend, Section 32-1-4 of the Code of Alabama 1975, relating to appearance upon arrest of a person for a traffic violation for a misdemeanor; to provide that a person arrested for a traffic violation punishable as a misdemeanor would be required to appear before a magistrate in certain cases where the person is not validly licensed or whose identity cannot be established by the arresting officer and to provide that a person arrested for failure to stop within a reasonable time, flee, or elude a law enforcement officer shall upon arrest be taken to the nearest or most accessible magistrate, to amend Sections 32-5A-115 and 32-5A-193 of the Code of Alabama 1975, relating to the operation of emergency vehicles and to fleeing or attempting to elude a law enforcement officer; to specify the conditions under which a pursuing law enforcement officer may be found to have contributed to the causation of damages, injury, or death caused by a fleeing suspect; to change certain penalty provisions applicable to the offense of fleeing or attempting to elude a law enforcement officer; to provide for the mandatory nature of certain penalty provisions; and create a new crime of attempting to elude or flee a law enforcement officer under specified aggravated circumstances a crime and provide penalties therefor.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 71; Nays 2.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Burke, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (T), Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Warren, White and Willis.

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Nay:

Representatives Carns and Payne.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Clouse, the Budget Isolation Resolution relating to the bill, H. 652, was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Burke, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Warren, White and Willis.

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And the bill:

H. 652. (With Amendment): To amend Sections 18-1A-3, 18-1A-276, 18-1A-291, and 18-1A-293, Code of Alabama 1975, relating to eminent domain, in order to clarify the definition of a condemnation action; to provide further for costs associated with a condemnation action; and to eliminate the 30-day time limitation within which a probate court is required to conduct a hearing after the filing of a condemnation complaint.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Government to the bill, H. 652, said committee amendment being as follows:

On page 1, delete lines 17, 18 and 19.

To further amend House Bill No. 652, on page 1, line 25, delete the following: "~~18-1A-276~~,".

To further amend House Bill No. 652, on page 2, line 3, after the word "action;" delete the remainder of line 3, 4 and 5.

To further amend House Bill No. 652, on page 2, line 7, delete "~~18-1A-276~~,".

To further amend House Bill No. 652, on page 4, delete line 26.

To further amend House Bill No. 652, on page 5, delete lines 1 through 8.



**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Burke, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 652. To amend Sections 18-1A-3, 18-1A-291, and 18-1A-293, Code of Alabama 1975, relating to eminent domain, in order to clarify the definition of a condemnation action; to provide further for costs associated with a condemnation action.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 71; Nays 2.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hayden, Hill, Hilliard, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Penry, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, White and Willis.

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Nay:

Representatives Morrison and Payne.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Graham, the Budget Isolation Resolution relating to the bill, H. 741, was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Burke, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Warren, White and Willis.

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And the bill:

H. 741. To clarify the duty and responsibility of the Department of Human Resources to establish rules and standards for the inspection and approval of adult day care centers and adult day care homes with whom the Department of Human Resources contracts or otherwise agrees to purchase adult day care services.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Warren, White and Willis.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Hooper, the Budget Isolation Resolution relating to the bill, H. 885, was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Warren, White, Willis and Wren.

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And the bill:

H. 885. To amend Section 36-21-8, Code of Alabama 1975, which entitles certain law enforcement officers and investigators to receive their badge and pistol upon retirement, to include State Capitol Police Officers in the law enforcement officers entitled to receive their badge pistol upon retirement.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Warren, White, Willis and Wren.

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**BUDGET ISOLATION RESOLUTION OFFERED**

Representative Hinshaw offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 573.

**TIME TO DEBATE EXPIRED**

In accordance with the resolution, H.R. 421, the time to debate the bill, H. 573, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 238. To amend Section 16-25A-17, Code of Alabama 1975, as amended by Act No. 95-538, 1995 Regular Session, relating to the Public Education Employees' Health Insurance Program, to allow the Public Education Employees' Health Insurance Board to provide additional funding for retirees.

McDOWELL LEE  
Secretary

**SIGNING OF SENATE BILL**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 646. To amend Section 41-14-4 of the Code of Alabama 1975, relating to state depositaries, so as to allow the state to pay state depositaries for the

transfer or removal of funds to or from the state depositaries, item handling charges, and for any other services performed by the state depositary.

TOMMY CARTER  
Chairman

And the bill, H. 646, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 105. Relating to insurance, to provide further for an effective and efficient system whereby the Commissioner of Insurance may collect certain fees, licenses, and miscellaneous charges and deposit those receipts into the State Treasury; to create a fund to be known as the "Insurance Department Fund"; to provide for the distribution of the funds with 50 percent credited to the State General Fund and 50 percent credited to the "Insurance Department Fund"; to provide for the payment of certain expenses of the Department of Insurance; to appropriate those sums for certain expenses incurred by the Department of Insurance; to provide that the unencumbered balances in the fund at the end of the fiscal year, up to a certain percentage, shall not revert to the State General Fund; and to allow the expenses of the Department of Insurance to continue to be paid by appropriations from the State General Fund for the fiscal year ending September 30, 1997, upon certain conditions.

TOMMY CARTER  
Chairman

And the bill, H. 105, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 396. COMMENDING CORENE NICHOLS PHILLIPS OF CENTER, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

H.J.R. 398. COMMENDING THE ABBEVILLE HIGH SCHOOL BASKETBALL TEAM ON ITS 4-A STATE BASKETBALL CHAMPIONSHIP.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

### **SIGNING OF HOUSE JOINT RESOLUTIONS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

### **MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Smith, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 362.

### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Smith, the Budget Isolation Resolution relating to the bill, H. 362, was adopted.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Warren and Willis.

And the bill:

H. 362. Providing for distinctive motor vehicle license tags or plates to honor cattle producers; prescribing the fees for the tags or plates; providing for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hawkins, Hayden, Hill, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend and Warren.

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### **MOTION TO RECONSIDER ADOPTED**

Having voted on the prevailing side, Representative Fuller offered the motion to reconsider the vote by which the bill, H. 860, was recommitted from the Calendar to the Standing Committee on Ways and Means, and the motion to reconsider was adopted.

### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Carns, the Budget Isolation Resolution relating to the bill, H. 860, was adopted.

Yeas 73; Nays 4.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw,

Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Willis and Wren.

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Nay:

Representatives Ford, Parker (P), Warren and White.

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### RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Houston:

H.R. 423. MOURNING THE DEATH OF PEARLIE FENISHA NOGALEASE MCDONALD STEWARD OF BIRMINGHAM, ALABAMA.

Also:

By Representative Houston:

H.R. 424. COMMENDING WILLIE AND ELOISE DAVIS HINTON ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Representative Jackson:

H.R. 425. COMMEMORATING THE LIFE OF THE LATE CLEVELAND HOWZE, SR.

Also:

By Representative Papucci:

H.R. 426. COMMENDING CLINT JOHNSON FOR OUTSTANDING ACADEMIC ACHIEVEMENT.



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Also:

By Representative Curry:

H.R. 427. COMMENDING JONATHAN COOPER ON OBTAINING THE RANK OF EAGLE SCOUT.

Also:

By Representative Curry:

H.R. 428. COMMENDING BARRY SMITH ON OBTAINING THE RANK OF EAGLE SCOUT.

Also:

By Representative Parker (P):

H.R. 429. COMMENDING CAROLYN WADDELL OF FALKVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Representative Parker (P):

H.R. 430. COMMENDING SHILOH WILLIAMS OF HARTSELLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Representative Hammett:

H.R. 431. MOURNING THE DEATH OF JULIA RUTH BATEMAN KNIGHT.

Also:

By Representative Parker (P):

H.R. 432. COMMENDING MANDEE RAE WEBBER OF HARTSELLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Representative Thomas (D):

H.R. 433. MOURNING THE DEATH OF VERNER OREN ROBERTS OF TRUSSVILLE, ALABAMA.

Also:

The following resolutions were introduced:

By Representatives Venable and Laird:

H.J.R. 434. CREATING THE CLAY-COOSA COUNTIES JAIL STUDY COMMISSION.

The resolution, H.J.R. 434, was read and referred to the Standing Committee on Rules.

Also:

By Representative Millican:

H.J.R. 435. COMMENDING DR. ED MEADOWS AS THE NEW PRESIDENT OF AYERS STATE TECHNICAL COLLEGE IN ANNISTON, ALABAMA.

The resolution, H.J.R. 435, was read and referred to the Standing Committee on Rules.

Also:

By Representative Wren:

H.J.R. 436. CREATING THE ELECTRIC ENERGY TASK FORCE.

The resolution, H.J.R. 436, was read and referred to the Standing Committee on Rules.

Also:

By Representative Turner:

H.J.R. 437. DECLARING THE INTENT OF THE LEGISLATURE TO EXCLUDE VOLUNTEER FIRE CHIEFS FROM THE FILING AND DISCLOSURE REQUIREMENTS IN ACT NO. 95-194.

The resolution, H.J.R. 437, was read and referred to the Standing Committee on Rules.

#### **REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

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H. 268. To amend, Section 32-1-4 of the Code of Alabama 1975, relating to appearance upon arrest of a person for a traffic violation for a misdemeanor; to provide that a person arrested for a traffic violation punishable as a misdemeanor would be required to appear before a magistrate in certain cases where the person is not validly licensed or whose identity cannot be established by the arresting officer and to provide that a person arrested for failure to stop within a reasonable time, flee, or elude a law enforcement officer shall upon arrest be taken to the nearest or most accessible magistrate, to amend Sections 32-5A-115 and 32-5A-193 of the Code of Alabama 1975, relating to the operation of emergency vehicles and to fleeing or attempting to elude a law enforcement officer; to specify the conditions under which a pursuing law enforcement officer may be found to have contributed to the causation of damages, injury, or death caused by a fleeing suspect; to change certain penalty provisions applicable to the offense of fleeing or attempting to elude a law enforcement officer; to provide for the mandatory nature of certain penalty provisions; and create a new crime of attempting to elude or flee a law enforcement officer under specified aggravated circumstances a crime and provide penalties therefor.

**TOMMY CARTER**  
Chairman

And the bill, H. 268, as engrossed, was ordered sent to the Senate.

**H. 860 TAKEN UP**

And the bill:

H. 860. To provide a refund of sales taxes paid on certain tangible property purchased in the state for export to a foreign country.

was taken up.

**AMENDMENT OFFERED**

Representative Parker (T) offered the following amendment to the bill, H. 860:

On page 2, line 9, after the word "country" insert the following language:  
through the Port of Mobile

On page 2, line 14, after the word "Alabama" insert the following language:  
through the Port of Mobile

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, White, Willis and Wren.

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**REPORT OF THE STANDING COMMITTEE  
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Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 652. To amend Sections 18-1A-3, 18-1A-291, and 18-1A-293, Code of Alabama 1975, relating to eminent domain, in order to clarify the definition of a condemnation action; to provide further for costs associated with a condemnation action.

TOMMY CARTER  
Chairman

And the bill, H. 652, as engrossed, was ordered sent to the Senate.

**H. 860 RESUMED****AMENDMENT OFFERED**

Representative Laird offered the following amendment to the bill, H. 860, as amended:

On page 2, after line 14, insert the following language: This act shall apply to purchases made and stockpiled after July 1, 1996.

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Carns, Carter, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Warren, White, Willis and Wren.

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And the bill:

H. 860. To provide a refund of sales taxes paid on certain tangible property purchased in the state for export to a foreign country.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Burke, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Mitchell, Davidson, McClain, Barron, Waggoner, Mitchem, Langford, Windom, Figures, Ghee, Biddle, Myers, Roberts, Butler, Smith, Lindsey, Hale, Smitherman, Denton, Escott-Russell, Freeman, Steele, Bedford, Dixon, Clay, and Sanders:

S. 564. Proposing an amendment to Amendment No. 161 to the Constitution of Alabama of 1901, to provide for the election of an additional three members to the Board of Trustees of Auburn University; to limit all members elected or appointed after adoption of this amendment, and subsequently confirmed by the Senate, to two six-year terms; and to provide for a quorum.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read a first time at length as required by the Constitution and referred to the Standing Committee as follows:

S. 564. State Administration.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 381. AMENDING THE JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

On motion of Representative Hammett, the House concurred in and adopted the Senate amendment to the resolution, H.J.R. 381, said Senate amendment being as follows:

AMENDING THE JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Rules of the two Houses are hereby amended to read as follows:

Delete Rule 21 in its entirety and renumber subsequent rule numbers accordingly.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Bedford:

S.J.R. 102. COMMENDING JEREMY SAYLOR AS PHI THETA KAPPA REGIONAL PRESIDENT FOR THE STATE OF ALABAMA.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The resolution, S.J.R. 102, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**RESOLUTIONS**

The following resolutions were introduced:

By Representative Gaines:

H.J.R. 438. MOURNING THE DEATH OF JUSTICE RICHARD L. JONES OF BIRMINGHAM, ALABAMA.

WHEREAS, it is with profound personal sorrow and regret that the Alabama Legislature records the tragic death of Justice Richard L. Jones of Birmingham, Alabama, on April 22, 1996, at the age of 73 years; and

WHEREAS, Justice Jones, a native of Pickens County, was a prominent member of the Birmingham Community and a distinguished Alabamian; he received his LLB Degree from the University of Alabama, and served his country with honor in the United States Army in Europe during World War II, and in the Army Reserve JAG Corps, retiring with the rank of Colonel in 1979; and

WHEREAS, a practicing trial lawyer in Aliceville, Bessemer, and Birmingham for 24 years who was highly regarded by both the plaintiff and defense divisions of the civil bar, Justice Jones was elected as an Associate Justice of the Alabama Supreme Court in 1972, and was re-elected without opposition in 1978 and 1984; and

WHEREAS, during his tenure on the Court, Justice Jones served as a member of the Alabama Code Revision Committee and the Alabama Judicial Conference; he also served at the national level as Chairman of the Appellate Judges Conference of the Judicial Administration Division of the American Bar Association, and as Chairman of the ABA's Appellate Style Manual Committee; and

WHEREAS, Justice Jones was a positive force in numerous other professional areas, serving as one of Alabama's Commissioners to the National Conference of Commissioners on Uniform State Laws for 18 years; as an Adjunct Professor at the Cumberland School of Law; and as an editor and co-author of the Judicial Opinion Writing Manual; and

WHEREAS, Justice Jones was an Elder in the Shades Valley Presbyterian Church, and a kind and compassionate man whose life stands as a testament for others who strive for the best in personal, professional, and community life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Justice Richard L. Jones of Birmingham, Alabama, and, by copy of this resolution, extend our most heartfelt sympathy to his beloved wife, Jean; son, Rick; two daughters, Marilyn J. Coleman and Leslie J. Miles; five grandchildren; two step grandchildren; and other family members and friends whose sorrow we share.

On motion of Representative Gaines, the rules were suspended and the resolution, H.J.R. 438, was adopted.



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Also:

By Rules Committee:

H.R. 439. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the Twenty Second legislative day, Tuesday, April 23, 1996, taking precedence over the regular order of business or any pending or unfinished business:

And the Following bills:

Inst Id	Page
H. 759 (By Newton D)	119
Pepper spray, use of in commission of crime or against law enforcement officer, criminal penalty	
H. 659 (By Robinson)	152
Medicaid fraud, not complete unless false claim received by Medicaid agency or contractor, Sec. 22-1-11 am'd.	
H. 606 (By Gaines)	153
Marihuana, unlawful possession in the first degree, includes possession for personal use by one previously convicted of unlawful possession, controlled substance crime, Sec. 13A-12-213 am'd.	
H. 226 (By Petelos)	27
Guilty pleas, procedure for prior to indictment, limitation on entering within 15 days of arrest deleted	
H. 801 (By Newton D)	119
Juries in criminal cases, number of prospective jurors reduced, ARCP Rule 18.4(f) superseded	
H. 144 (By Sanderson)	29
Bail, cert. persons ineligible for bail, Sec. 15-13-3 am'd.	
H. 145 (By Sanderson)	12
Bail, restrictions on granting of bail as provided by law, const. amend.	

H. 279 (By Carns)	154
Criminal defendants, speedy trial guaranteed within 90 or 120 days after indictment	
H. 153 (By Hooper)	13
Youthful offenders, transfer to adult ct., procedure alt., Secs. 12-15-34, 15-19-1 am'd.	
H. 57 (By Crigler)	8
Pornography, criminal offense of distribution or possession with intent to distribute, penalty for second or third offense, Sec. 13A-12-200.2 am'd.	
H. 861 (By Gaines)	155
Criminal sentences, determinate sentences provided, parole abolished, new classification of offenses estab., Truth in Sentencing Act, estab., numerous Secs. am'd. and repealed	
H. 643 (By White)	158
Criminal Justice Information Comm., user fees for computer access, Sec. 41-9-591 am'd.	
H. 635 Carothers	152
On motion of Representative Carter, the resolution, H.R. 439, was adopted.	

### **SPECIAL ORDER CALENDAR**

The House then proceeded with the consideration of the Special Order Calendar.

### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Newton (D), the Budget Isolation Resolution relating to the bill, H. 759, was adopted.

Yeas 82; Nays 1.

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Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-82

Nay:

Representative Rogers (J).

- 1

And the bill:

H. 759. To provide for the offense of criminal use of pepper spray; and to provide penalties.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-88

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Robinson, the Budget Isolation Resolution relating to the bill, H. 659, was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-87

And the bill:

H. 659. To amend Section 22-1-11 of the Code of Alabama 1975, relating to making false statement or representation of material fact in claim for medicaid benefits; to provide that the felony offense of medicaid fraud is not complete unless and until a false claim is received by the medicaid agency or the contractor.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 1.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White, Willis and Wren.

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**REGULAR SESSION  
22nd Day**

2225

Nay:

Representative Rogers (J).

- 1

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Gaines, the Budget Isolation Resolution relating to the bill, H. 606, was adopted.

Yeas 79; Nays 3.

Yea:

Mr. Speaker, Allen, Black (M), Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, White and Willis.

-79

Nay:

Representatives Jackson, Minnifield and Mitchell.

- 3

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 344. ADDING AN ADDITIONAL MEMBER TO THE ECONOMIC DEVELOPMENT LEGISLATIVE ADVISORY COMMISSION.

Also:

H.J.R. 415. MOURNING THE DEATH OF CHARLES ALFRED "CHIEF" ANDERSON, SR., OF TUSKEGEE, ALABAMA.

Also:

H.J.R. 422. MOURNING THE DEATH OF JULIA RUTH BATEMAN KNIGHT.

McDOWELL LEE  
Secretary

**H. 606 TAKEN UP**

And the bill:

H. 606. To amend Section 13A-12-213 of the Code of Alabama 1975, to provide that the crime of unlawful possession of marihuana in the first degree include the possession of marihuana for personal use if the defendant has a prior conviction of any controlled substance crime.

was taken up.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 438. MOURNING THE DEATH OF JUSTICE RICHARD L. JONES OF BIRMINGHAM, ALABAMA.

McDOWELL LEE  
Secretary

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 380. DESIGNATING THE GENE BARTOW ARENA.

Also:

H.J.R. 382. COMMENDING OFFICER JAMES DARRELL HOLT OF THE ALABAMA DEPARTMENT OF CORRECTIONS AS RECIPIENT OF THE 1996 ALABAMA LEGISLATIVE LAW ENFORCEMENT MEDAL OF HONOR.

**REGULAR SESSION  
22nd Day**

2227

Also:

**H.J.R. 383. RECOGNIZING AGENT JOHN ALLEN CRAWFORD FOR DISTINGUISHED SERVICE OF VALOR.**

Also:

**H.J.R. 384. RECOGNIZING AGENTS JOHN GUTHRIE AND ROBERT THORNTON FOR DISTINGUISHED SERVICE OF VALOR.**

**McDOWELL LEE**  
Secretary

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Butler:

**S.J.R. 101. DESIGNATING THE WEEK OF MAY 19-25, 1996, AS "EMERGENCY MEDICAL SERVICES WEEK" IN ALABAMA.**

**McDOWELL LEE**  
Secretary

**SENATE MESSAGE**

The resolution, S.J.R. 101, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Hill:

**S.J.R. 104. HONORING DR. LANCE D. GRISSETT FOR HIS PROFESSIONAL ACHIEVEMENTS.**

**McDOWELL LEE**  
Secretary

**SENATE MESSAGE**

The resolution, S.J.R. 104, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Ghee and Windom:

S.J.R. 105. DESIGNATING THE PORTION OF INTERSTATE HIGHWAY 10 LOCATED IN THE STATE OF ALABAMA AS THE "PEARL HARBOR MEMORIAL HIGHWAY" IN HONOR OF THE SURVIVORS OF THE ATTACK ON PEARL HARBOR.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The resolution, S.J.R. 105, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Bedford:

S.J.R. 107. COMMENDING THE UNIVERSITY OF ALABAMA STUDENT BODY FOR REINSTATING THE STUDENT GOVERNMENT ASSOCIATION.

McDOWELL LEE  
Secretary



**SENATE MESSAGE**

The resolution, S.J.R. 107, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Armistead, Bedford, Adams, Amari, Bailey, Barron, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 103. DIRECTING THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A STUDY AND PRESENT A PLAN CONCERNING RAIL/HIGHWAY GRADE CROSSINGS.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The resolution, S.J.R. 103, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 225. To amend Sections 32-6-250, 32-6-253, and 32-6-254, Code of Alabama 1975, relating to distinctive license plates, penalty for violation, and use and transferability; to provide that a Medal of Honor or Purple Heart Medal recipient or a duly recognized American Prisoner of War may be issued an addi-

tional distinctive license plate, if the registrant pays the ad valorem taxes and fees for the second and subsequent license plate; to provide penalty for operating a vehicle without annual renewal decals; and to provide that the surviving spouse shall be required to acquire annual decals for vehicles registered under Section 32-6-250.

TOMMY CARTER  
Chairman

And the bill, H. 225, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 860. To provide a refund of sales taxes paid on certain tangible property purchased in the state for export to a foreign country.

TOMMY CARTER  
Chairman

And the bill, H. 860, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 381. AMENDING THE JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

**SIGNING OF HOUSE JOINT RESOLUTION**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 344. ADDING AN ADDITIONAL MEMBER TO THE ECONOMIC DEVELOPMENT LEGISLATIVE ADVISORY COMMISSION.

Also:

H.J.R. 415. MOURNING THE DEATH OF CHARLES ALFRED "CHIEF" ANDERSON, SR., OF TUSKEGEE, ALABAMA.

Also:

H.J.R. 422. MOURNING THE DEATH OF JULIA RUTH BATEMAN KNIGHT.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

**SIGNING OF HOUSE JOINT RESOLUTIONS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 380. DESIGNATING THE GENE BARTOW ARENA.

Also:

H.J.R. 382. COMMENDING OFFICER JAMES DARRELL HOLT OF THE ALABAMA DEPARTMENT OF CORRECTIONS AS RECIPIENT OF THE 1996 ALABAMA LEGISLATIVE LAW ENFORCEMENT MEDAL OF HONOR.

Also:

H.J.R. 383. RECOGNIZING AGENT JOHN ALLEN CRAWFORD FOR DISTINGUISHED SERVICE OF VALOR.

Also:

H.J.R. 384. RECOGNIZING AGENTS JOHN GUTHRIE AND ROBERT THORNTON FOR DISTINGUISHED SERVICE OF VALOR.

Also:

H.J.R. 438. MOURNING THE DEATH OF JUSTICE RICHARD L. JONES OF BIRMINGHAM, ALABAMA.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

**SIGNING OF HOUSE JOINT RESOLUTIONS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 386. RECOGNIZING CHIEF DEPUTY LEO BEDSOLE, JR., OF THE COVINGTON COUNTY SHERIFF'S DEPARTMENT FOR DISTINGUISHED SERVICE OF VALOR.

McDOWELL LEE  
Secretary

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 385. RECOGNIZING DEPUTY KEITH COOK OF THE HOUSTON COUNTY ALABAMA SHERIFF'S DEPARTMENT FOR DISTINGUISHED SERVICE OF VALOR.

McDOWELL LEE  
Secretary

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 385. RECOGNIZING DEPUTY KEITH COOK OF THE HOUSTON COUNTY ALABAMA SHERIFF'S DEPARTMENT FOR DISTINGUISHED SERVICE OF VALOR.

Also:

H.J.R. 386. RECOGNIZING CHIEF DEPUTY LEO BEDSOLE, JR., OF THE COVINGTON COUNTY SHERIFF'S DEPARTMENT FOR DISTINGUISHED SERVICE OF VALOR.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

### **SIGNING OF HOUSE JOINT RESOLUTIONS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

### **H. 606 RESUMED**

#### **MOTION IN WRITING OFFERED**

Representative Seibenhener offered the following Motion in Writing relating to the bill, H. 606:

I move the previous question.

#### **MOTION IN WRITING LOST**

And the Motion in Writing was lost, lacking a three-fifths vote.

Yeas 40; Nays 31.

Yea:

Representatives Allen, Burke, Carns, Clouse, Crigler, Curry, Dean, Dolbare, Flowers, Ford, Gaines, Galliher, Gaston, Hawk, Hawkins, Hill, Hooper, Johnson (E), Jorgensen, Knight (A), Laird, Layson, McDaniel, McKee, McMillan, Moore, Morton, Murphree, Papucci, Penry, Sanderford, Sanderson, Seibenhener, Thomas (D), Townsend, Turner, Turnham, Vance, Warren and Wren.

-40

Nay:

Representatives Bandy, Black (L), Box, Boyd, Buskey, Clark (W), Drake, Fuller, Guin, Hall (L), Haney, Hayden, Hilliard, Hinshaw, Houston, Jackson, Kennedy, Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Newton (D), Page, Parker (P), Perdue, Rogers (J), Spratt, Starkey and Thomas (J).

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**H. 606 TEMPORARILY CARRIED OVER**

In accordance with House Rule 21, the bill, H. 606, was temporarily carried over at the request of Representative Gaines.

**MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Mitchell, the rules were suspended for the Introduction of House Joint Resolutions.

**RESOLUTIONS**

The following resolutions were introduced:

By Representative Mitchell:

**H.J.R. 440. COMMENDING THE DELEGATION OF SOUTHERN AFRICAN WOMEN LEGISLATORS AND WELCOMING THEM TO ALABAMA.**

WHEREAS, it is with great pleasure that the Alabama Legislature welcomes the distinguished Delegation of Southern African Women Legislators from Namibia, South Africa, and Zimbabwe sponsored by The Africa Fund; and

WHEREAS, The Africa Fund initiated this program by sponsoring a visit by a delegation of United States legislators to Southern Africa to promote involvement and increase links between state and municipal officials in United States policy towards Southern Africa counterparts, and to strengthen its legislative capacity; and

WHEREAS, hosting three highly regarded women legislators from Southern Africa, including Lucia Basson, M.M.A. Koti Nyama and Edna Madzongwe, this reciprocal delegation will be accompanied by Arkansas State Representative Irma Hunter Brown and Projects Director Dumisani S. Kumalo, who have provided outstanding professional leadership and involvement for The Africa Fund; and

WHEREAS, in sincere admiration of the many notable accomplishments of The Africa Fund, the Alabama Legislature acknowledges the invaluable contributions and vital role it has provided to Southern African women; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we hereby recognize and commend the Delegation of Southern African Women Legislators from Namibia, South Africa, and Zimbabwe, and extend our sincere best wishes for continued future success.

**BE IT FURTHER RESOLVED,** That a copy of this resolution be presented to The Africa Fund Delegation for appropriate presentation and display.

On motion of Representative Mitchell, the rules were suspended and the resolution, H.J.R. 440, was adopted.

Also:

By Representative Mitchell:

H.J.R. 441. RECOGNIZING LUCIA BASSON OF NAMIBIA, AFRICA, AND WELCOMING HER TO ALABAMA.

WHEREAS, on April 30, 1996, the Alabama Legislature is privileged to welcome Lucia Basson of Namibia, Africa, as one of a delegation of distinguished women legislators from Southern Africa visiting the United States; and

WHEREAS, sponsored and hosted by The Africa Fund, which initiated the project in 1995, the delegation is part of a project and reciprocal arrangement to promote the involvement of state and municipal officials in United States policy towards Southern Africa, increase links between state and municipal officials and their African Counterparts, and to strengthen legislative capacity, and Ms. Basson, with her wealth of knowledge and expertise, is indeed a worthy representative in this worthwhile effort; and

WHEREAS, she serves as Chairperson of the Management Committee of the Mariental Local Authority Council, a position she has held since 1994, and is trained in community development and reproductive health; and

WHEREAS, she also is Regional Coordinator of the Women's Council of the South West African People's Organization (SWAPO), the majority party in the Namibia Parliament and, as Chairperson of the Squatters Committee in Mariental, is working to improve the living conditions of thousands of families without proper housing; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is with highest commendation that we recognize Lucia Basson of Namibia, Southern Africa, for her participation in this noble endeavor; welcome her before this body and to our state; and direct that she receive a copy of this resolution as a measure of our tribute and esteem.

On motion of Representative Mitchell, the rules were suspended and the resolution, H.J.R. 441, was adopted.

Also:

By Representative Mitchell:

H.J.R. 442. RECOGNIZING EDNA MADZONGWE OF ZIMBABWE, SOUTH AFRICA, AND WELCOMING HER TO ALABAMA.



WHEREAS, on April 30, 1996, the Alabama Legislature is privileged to welcome Edna Madzongwe of Zimbabwe, South Africa, as one of a delegation of distinguished women legislators from Southern Africa visiting the United States; and

WHEREAS, sponsored and hosted by The Africa Fund, which initiated the project in 1995, the delegation is part of a project and reciprocal arrangement to promote the involvement of state and municipal officials in United States policy towards Southern Africa, increase links between state and municipal officials and their African Counterparts, and to strengthen legislative capacity, and Ms. Madzongwe, with her wealth of knowledge and expertise, is indeed a worthy representative in this worthwhile effort; and

WHEREAS, Ms. Madzongwe is the first woman in the history of Zimbabwe to be elected Deputy Speaker of Parliament, chairs several Parliamentary Committees, and recently led Zimbabwe's Parliamentary delegation to the 4th World Conference on Women in Beijing; she also is Chairperson of the Zimbabwe Women Parliamentarians, and is the immediate past President of the World Women Parliamentarians for Peace; and

WHEREAS, in further service to her community, she gives generously and selflessly of her time and talents to work with several non-profit philanthropic organizations; as a member of the board of the Masasa Project, a program for battered women; and as a member of the Child Survival and Development Foundation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is with highest commendation that we recognize Edna Madzongwe of Zimbabwe, South Africa, for her participation in this noble endeavor; welcome her before this body and to our state; and direct that she receive a copy of this resolution as a measure of our tribute and esteem.

On motion of Representative Mitchell, the rules were suspended and the resolution, H.J.R. 442, was adopted.

Also:

By Representative Mitchell:

H.J.R. 443. RECOGNIZING M.M.A. KOTI NYAMA OF SOUTH AFRICA, AND WELCOMING HER TO ALABAMA.

WHEREAS, on April 30, 1996, the Alabama Legislature is privileged to welcome M.M.A. Koti Nyama of South Africa, as one of a delegation of distinguished women legislators from Southern Africa visiting the United States; and

WHEREAS, sponsored and hosted by The Africa Fund, which initiated the project in 1995, the delegation is part of a project and reciprocal arrangement to

promote the involvement of state and municipal officials in United States policy towards Southern Africa, increase links between state and municipal officials and their African Counterparts, and to strengthen legislative capacity, and Ms. Nyama, with her wealth of knowledge and expertise, is indeed a worthy representative in this worthwhile effort; and

WHEREAS, Deputy Speaker Nyama is a senior member of the Northern Province Legislature, one of the nine regional governments in South Africa, and Chairperson of Parliamentary Committees; and

WHEREAS, prior to her election in 1994, Ms. Nyama was an educator and an active member of the African National Congress (ANC) at the regional level, serving in the departments of education, arts and culture; she also led the Black Housewife League, is an executive member of the South African Democratic Teachers Union, and was recently a delegate to the 4th World Conference on Women in Beijing; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is with highest commendation that we recognize M.M.A. Koti Nyama of South Africa for her participation in this noble endeavor; welcome her before this body and to our state; and direct that she receive a copy of this resolution as a measure of our tribute and esteem.

On motion of Representative Mitchell, the rules were suspended and the resolution, H.J.R. 443, was adopted.

### **SPECIAL ORDER CALENDAR RESUMED**

### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Petelos, the Budget Isolation Resolution relating to the bill, H. 226, was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

And the bill:

H. 226. (With Amendment): To allow a person charged with a non-capital felony offense may plead guilty to an information at any time before indictment; and provide the procedures for entering a plea on an information.

was taken up.

### **SUBSTITUTE OFFERED**

Representative Petelos offered the following substitute to the bill, H. 226, and to the pending amendment reported by the Standing Committee on Judiciary:

#### **A BILL TO BE ENTITLED AN ACT**

To allow a person charged with a non-capital felony offense to plead guilty to an information; and provide the procedures for entering a plea on an information.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. (a) In any criminal proceeding for a non-capital felony offense commenced by complaint, the defendant may give written notice three days after his or her arrest to a judge of the district or circuit court of the county having jurisdiction of the offense charged that the defendant desires to plead guilty as charged or as a youthful offender upon the granting of youthful offender status.

(b) Upon receipt of the written notice from the defendant stating his or her desire to plead guilty, the court shall direct the district attorney to prefer and file an information against the defendant. The information shall be made under oath of the district attorney or a witness, and shall accuse the defendant with the same specificity as required in an indictment of the offense or offenses for which the defendant is charged. This section shall not be construed to preclude the district attorney from amending or dismissing a pending charge against a defendant before the defendant pleads guilty.

(c) Upon the filing of an information, the court shall ascertain whether the defendant has retained counsel, and, shall appoint counsel if the defendant is indigent. The court shall set an arraignment date to enable the defendant to formally enter a plea of guilty in open court. Arraignment may be held and the guilty plea entered at any time after the filing of an information.

(d) The court shall receive and enter the plea of guilty of the defendant, and shall immediately pronounce and enter a judgement of conviction, set a date for sentencing, and thereafter proceed as provided by law.

(e) Upon acceptance from the defendant plea of guilty and pronouncement and entry of judgment and sentencing, the defendant shall have a right of appeal from the action of the court.

(f) In district court, a record of the defendant's plea of guilty shall be kept by mechanical or electronic device. Any exhibits shall be preserved by the court. The record shall be preserved by the court and shall be transcribed by the designee if the defendant gives notice of appeal. The transcript of the defendant's plea of guilty shall be certified as directed by the court or as required by the Alabama Rules of Appellate Procedure.

(g) If the court does not accept plea of guilty of the defendant or if youthful offender status of the defendant's application is denied, the court shall:

(1) Order the defendant discharged.

(2) Order the defendant released as provided by law.

(3) Order the defendant held in custody pending action of the grand jury, or until released on bail.

Section 2. This act supersedes Rule 2.2.(e) of the Alabama Rules of Criminal Procedure.

Section 3. All laws or parts of laws which conflict with this act, specifically Section 15-15-20 of the Code of Alabama 1975, are repealed.

Section 4. This act applies to all persons charged with non-capital felonies after its effective date.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, and the approval of the proposed amendment to Article I, Section 8 of the Alabama Constitution of 1901, as amended by Amendment No. 37.

### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Burke, Buskey, Cams, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan,

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Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 226. To allow a person charged with a non-capital felony offense to plead guilty to an information; and provide the procedures for entering a plea on an information.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Newton (D), the Budget Isolation Resolution relating to the bill, H. 801, was adopted.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake,

Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 387. RECOGNIZING FIRST BAPTIST CHURCH OF GRAND BAY, ALABAMA, ON ITS 100 YEARS OF CHRISTIAN SERVICE TO THE COMMUNITY.

Also:

H.J.R. 399. COMMENDING ABBEVILLE CHRISTIAN ACADEMY, 1996 AISA STATE CLASS 2A BASKETBALL CHAMPIONS.

McDOWELL LEE  
Secretary

**H. 801 TAKEN UP**

And the bill:

H. 801. To provide for the number of jurors from which criminal juries shall be selected based on the nature of the charge and the number of defendants; and to provide that Rule 18.4(f) of the Alabama Rules of Criminal Procedure is superseded.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

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Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Sanderson, the Budget Isolation Resolution relating to the bill, H. 144, was adopted.

Yeas 69; Nays 19.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Warren, White, Willis and Wren.

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Nay:

Representatives Bandy, Black (L), Boyd, Buskey, Clark (W), Hall (L), Hayden, Hilliard, Houston, Kennedy, Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Perdue, Rogers (J) and Thomas (J).

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**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 389. HONORING JIM WALKER FOR HIS OUTSTANDING CONTRIBUTIONS.

McDOWELL LEE  
Secretary

**RESOLUTION**

The following resolution was introduced:

By Representatives McDaniel, McMillan and Clark (J):

H.J.R. 444. CREATING A PERMANENT JOINT COMMITTEE TO STUDY ALABAMA'S STATE PARK SYSTEM, TO BE CALLED THE "ALABAMA STATE PARK SYSTEM PERMANENT STUDY COMMITTEE."

The resolution, H.J.R. 444, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Windom, Freeman, Bedford, Dial, Adams, Amari, Armistead, Bailey, Barron, Biddle, Butler, Clay, Davidson, Denton, Dixon, Escott-Russell, Figures, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Waggoner:

S.J.R. 108. MOURNING THE DEATH OF JUSTICE RICHARD L. JONES OF BIRMINGHAM, ALABAMA.

McDOWELL LEE  
Secretary



**SENATE MESSAGE**

The resolution, S.J.R. 108, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**MOTION TO ADJOURN LOST**

The motion offered by Representative Parker (P) that the House adjourn until 10:00 o'clock a.m., Wednesday, April 24, 1996, was lost.

Yeas 34; Nays 39.

Yea:

Representatives Baker, Bandy, Black (L), Black (M), Boyd, Buskey, Clark (W), Drake, Galliher, Hall (A), Hall (L), Hawkins, Hayden, Hinshaw, Houston, Johnson (E), Jorgensen, Kennedy, Lindsey, Maull, McAdory, McClammy, Melton, Morton, Newton (C), Parker (P), Parker (T), Payne, Reed, Robinson, Rogers (J), Spratt, Starkey and Thomas (J).

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Nay:

Mr. Speaker, Box, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaston, Guin, Haney, Hill, Hogan, Hooper, Johnson (R), Knight (A), Laird, McDaniel, McMillan, Minnifield, Mitchell, Moore, Morrison, Murphree, Penry, Petelos, Pringle, Sanderford, Sanderson, Seibenhener, Thomas (D), Townsend, Turnham, Warren and Willis.

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**CERTIFICATE OF CLERK**

To the House of Representatives:

I hereby certify that the House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 3:31 P.M. on April 23, 1996.

H.J.R. 396

H.J.R. 398

Delivered to the Governor at 5:20 P.M. on April 23, 1996.

H.J.R. 381

H.J.R. 382

H.J.R. 344

H.J.R. 383

H.J.R. 415

H.J.R. 384

H.J.R. 422

H.J.R. 438

H.J.R. 380

Delivered to the Governor at 5:35 P.M. on April 23, 1996.

H.J.R. 385

H.J.R. 386

GREG PAPPAS  
Clerk

### ADJOURNMENT

On motion of Representative Smith, the House adjourned until 10:00 o'clock a.m., Wednesday, April 24, 1996.

Yeas 45; Nays 41.

Yea:

Representatives Baker, Bandy, Black (L), Black (M), Boyd, Buskey, Carothers, Clark (W), Dolbare, Fuller, Galliher, Graham, Hawkins, Hayden, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, Melton, Millican, Morrow, Newton (C), Newton (D), Page, Papucci, Reed, Rogers (J), Smith, Spratt, Thomas (J), Townsend, Turner, Vance, Warren and Wren.

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Nay:

Mr. Speaker, Box, Burke, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Gaston, Guin, Hall (A), Hall (L), Haney, Hill, Hogan, Hooper, Knight (A), McDaniel, McMillan, Minnifield, Mitchell, Moore, Morrison, Murphree, Parker (P), Payne, Penry, Petelos, Pringle, Sanderford, Sanderson, Seibenhener, Thomas (D), Turnham, White and Willis.

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**TWENTY-THIRD DAY**

**House of Representatives  
Montgomery, Alabama  
Wednesday, April 24, 1996**

The House met pursuant to adjournment.

**PRAYER**

The session was opened with prayer by Reverend Travis Coleman, First Baptist Church, Prattville, Alabama.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Sidney Brinkley, 5th Grade, Brewbaker Elementary School, Montgomery, Alabama, and Derrick Moore, 4th Grade, Mary B. Austin Elementary School, Mobile, Alabama.

**ROLL CALL**

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

**REPORT OF STANDING COMMITTEE ON RULES**

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-second legislative day and finds the same to be correct.

TOMMY CARTER  
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the twenty-second legislative day was dispensed with.

**RESOLUTION**

The following resolution was introduced:

By Rules Committee:

H.R. 445. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the Twenty-Third legislative day, Wednesday, April 24, 1996, taking precedence over the regular order of business or any pending or unfinished business:

And the Following bills:

Inst Id	Page
S. 306 (By Freeman)	153

Public Service Comm., electric service contracts, reviewable,  
Sec. 37-4-30 added

On motion of Representative Carter, the resolution, H.R. 445, was adopted.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 226. To allow a person charged with a non-capital felony offense to plead guilty to an information; and provide the procedures for entering a plea on an information.

TOMMY CARTER  
Chairman

And the bill, H. 226, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 387. RECOGNIZING FIRST BAPTIST CHURCH OF GRAND BAY, ALABAMA, ON ITS 100 YEARS OF CHRISTIAN SERVICE TO THE COMMUNITY.

Also:

H.J.R. 389. HONORING JIM WALKER FOR HIS OUTSTANDING CONTRIBUTIONS.

Also:

H.J.R. 399. COMMENDING ABBEVILLE CHRISTIAN ACADEMY, 1996 AISA STATE CLASS 2A BASKETBALL CHAMPIONS.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

**SIGNING OF HOUSE JOINT RESOLUTIONS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**SPECIAL ORDER CALENDAR**

The House then proceeded with the consideration of the Special Order Calendar.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Hammett, the Budget Isolation Resolution relating to the bill, S. 306, was adopted.

Yeas 72; Nays 11.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (R), Kennedy, Knight (A), Lindsey, McAdory, McClammy, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable and Willis.

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Nay:

Representatives Buskey, Layson, McDaniel, McKee, McMillan, Newton (C), Penry, Turner, Warren, White and Wren.

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**PERMISSION GRANTED**

Permission was granted for the Journal to reflect that Representative Johnson (E) intended to vote "Yea" adoption of the Budget Isolation Resolution relating to the bill, S. 306.

And the bill:

S. 306. To amend Article I of Chapter 4 of Title 37 of the Code of Alabama 1975, by adding a new Section 37-4-30 which would empower the Public Service Commission or Circuit Court, as appropriate, to review private contracts for electric services to existing electric customers for the purpose of determining whether the private contract is consistent with the public interest and to require the existing customer to reimburse any utility (which, for purposes of this paragraph, include

utilities, utility board, electric boards and improvement authorities) currently providing service to an existing customer seeking to obtain electric service pursuant to a private contract for any stranded costs associated with the transfer of the existing electric customer's service; to provide that these stranded costs shall mean all verifiable costs or obligations incurred by a utility in order to provide service to electric customers in the area served by the utility that cannot actually be recovered through mitigation upon the transfer of the existing electric customer to another supplier, and include, but are not limited to, costs of investment in generating, transmission and distribution facilities; obligations for purchased power, fuel and transmission charges; costs of assets required to be capitalized under utility accounting principles; and other fixed costs incurred by the utility to provide service; to provide for the use of commissioners in certain instances; to provide for appeals from the Circuit Court to the Supreme Court directly; to provide for severability, and to provide for the cessation and termination of the provisions of the act upon the occurrence of all of the following events: (1) the enactment of legislation that provides in a comprehensive manner for retail electric service competition in this state and surrounding states; (2) provision in such legislation or in regulations that provide in this state for the recovery of stranded costs by utilities upon the transfer of existing electric customers; (3) elimination of the obligation of utilities to plan for and provide service; and (4) imposition of the same taxes on sales to existing customers by a non-utility at the rates applicable to sales by the utility presently serving the existing customer.

was taken up.

#### **AMENDMENT OFFERED**

Representative Haney offered the following amendment #1 to the bill, S. 306:

On page 1, line 26, delete the word "board" and add the word "boards."

Further amend S. 306

On page 7, line 26, after the words "time value," insert the words "of money."

#### **AMENDMENT LOST**

And the amendment #1 was lost.

Yeas 29; Nays 61.

Yea:

Representatives Buskey, Carter, Clark (W), Crigler, Dolbare, Dukes, Fuller, Hall (A), Haney, Hinshaw, Jackson, Kennedy, Layson, McDaniel, McKee, McMillan, Morrison, Murphree, Newton (C), Page, Penry, Pringle, Sanderford, Seibenhener, Turner, Vance, Warren, White and Wren.

Nay:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Collins, Curry, Dean, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Hawk, Hawkins, Hayden, Hilliard, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Knight (A), Laird, Lindsey, Maull, McAdory, McClammy, Melton, Millican, Moore, Morrow, Morton, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Smith, Spratt, Starkey, Townsend, Turnham, Venable and Willis.

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#### AMENDMENT OFFERED

Representative Buskey offered the following amendment to the bill, S. 306:

On page 13, line 2, after the words "Code of Alabama 1975," add the following:

(f) Notwithstanding anything in this act to the contrary, no retail electric utility or any affiliate of such utility may sell electric energy to any entity in another state, at a cost less than a similar class of customer would pay in this state."

#### AMENDMENT TABLED

On motion of Representative Hammett, the amendment offered by Representative Buskey to the bill, S. 306, was tabled.

Yeas 55; Nays 37.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Burke, Carns, Carothers, Clouse, Collins, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Knight (A), Lindsey, McAdory, Moore, Morrison, Morton, Murphree, Newton (D), Papucci, Parker (P), Parker (T), Payne, Petelos, Rogers (J), Rogers (M), Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Venable and Willis.

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Nay:

Representatives Black (L), Box, Buskey, Carter, Clark (W), Crigler, Curry, Dolbare, Fuller, Hall (A), Hall (L), Haney, Houston, Jackson, Kennedy, Laird, Layson, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrow, Newton (C), Page, Penry, Pringle, Robinson, Sanderford, Sims, Turner, Vance, Warren, White and Wren.

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**AMENDMENT OFFERED**

Representative Turner offered the following amendment to the bill, S. 306:

On page 12, line 2, after the word "company" add the following: " , or a facility located on or adjacent to the consumer's property, regardless of ownership."

On page 12, line 2, strike the following: ~~"Notwithstanding the foregoing, the Public Service Commission or the Circuit Court, as appropriate, may review an arrangement pursuant to this section when it determines that a transaction, viewed in its totality and regardless of structure, is a private contract for electric service because of the involvement of entities other than the electric consumer."~~

**AMENDMENT TABLED**

On motion of Representative Hammett, the amendment offered by Representative Turner to the bill, S. 306, was tabled.

Yeas 75; Nays 20.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Drake, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Venable and Willis.

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Nay:

Representatives Box, Buskey, Carter, Crigler, Dolbare, Dukes, Haney, Jackson, McDaniel, McKee, McMillan, Mitchell, Newton (C), Penry, Pringle, Turner, Vance, Warren, White and Wren.

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### AMENDMENT OFFERED

Representative McMillan offered the following amendment to the bill, S. 306:

On page 2, line 27, after the words "existing electric customer" insert the following: " , other than residential customers or groups of residential customers."

### AMENDMENT TABLED

On motion of Representative Hammett, the amendment offered by Representative McMillan to the bill, S. 306, was tabled.

Yeas 64; Nays 26.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Drake, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hawkins, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Lindsey, McAdory, McClammy, Melton, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Robinson, Rogers (J), Rogers (M), Sanderson, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Venable and Willis.

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Nay:

Representatives Box, Buskey, Carter, Crigler, Dolbare, Dukes, Fuller, Gaines, Hamilton, Haney, Hill, Laird, Layson, McDaniel, McKee, McMillan, Millican, Mitchell, Newton (C), Penry, Sanderford, Sims, Turner, Warren, White and Wren.

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**AMENDMENT OFFERED**

Representative McDaniel offered the following amendment to the bill, S. 306:

Amend S. 306 on page 14, line 5 by creating a new section 5 and renumber the sections that follow the following:

"Section 5. Notwithstanding anything in this act, no electric utility within this state shall raise its Residential rates until the provisions of this act are repealed."

**AMENDMENT TABLED**

On motion of Representative Hammett, the amendment offered by Representative McDaniel to the bill, S. 306, was tabled.

Yeas 73; Nays 24.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Burke, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Drake, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Venable and Willis.

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Nay:

Representatives Box, Buskey, Carter, Crigler, Dolbare, Dukes, Hamilton, Haney, Jackson, Layson, McDaniel, McKee, McMillan, Mitchell, Newton (C), Penry, Pringle, Sanderford, Seibenhener, Turner. Vance, Warren, White and Wren.

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**AMENDMENT OFFERED**

Representative Dolbare offered the following amendment #1 to the bill, S. 306:

On Page 13, Line 8, strike the following:

"Section 3. This act shall cease and terminate upon the occurrence of all of the following events: (1) the enactment of legislation that provides in a comprehensive manner for retail electric service competition in this state and surrounding states; (2) provision in such legislation or in regulations that provide in this state for the recovery of stranded costs by utilities upon the transfer of existing electrical customers; (3) elimination of the obligation of utilities to plan for and provide service; and (4) imposition of the same taxes on sales to existing customers by a non-utility at the rates applicable to sales by the utility presently serving the existing customer."

And insert in lieu thereof:

"Section 3. The provisions of this act shall expire on December 31, 2002."

#### AMENDMENT TABLED

On motion of Representative Hammett, the amendment #1 offered by Representative Dolbare to the bill, S. 306, was tabled.

Yeas 68; Nays 28.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Dean, Drake, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Knight (A), Knight (J), Lindsey, Maull, McAdory, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Robinson, Rogers (J), Rogers (M), Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Venable and Willis.

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Nay:

Representatives Buskey, Carter, Crigler, Curry, Dolbare, Dukes, Fuller, Hamilton, Haney, Jackson, Kennedy, Laird, Layson, McDaniel, McKee, McMillan, Mitchell, Newton (C), Penry, Pringle, Sanderford, Sanderson, Seibenhener, Turner, Vance, Warren, White and Wren.

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#### AMENDMENT OFFERED

Representative Newton (C) offered the following amendment to the bill, S. 306:

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On page 5, line 25, delete the underlined language "may" and insert in lieu thereof the following: shall

**AMENDMENT TABLED**

On motion of Representative Hammett, the amendment offered by Representative Newton (C) to the bill, S. 306, was tabled.

Yeas 64; Nays 30.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Burke, Carns, Clark (W), Collins, Curry, Dean, Drake, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Venable and Willis.

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Nay:

Representatives Box, Buskey, Carothers, Carter, Clouse, Crigler, Dolbare, Dukes, Fuller, Gaines, Hamilton, Haney, Johnson (R), Laird, Layson, McDaniel, McKee, McMillan, Millican, Mitchell, Newton (C), Parker (T), Penry, Pringle, Sanderford, Turner, Vance, Warren, White and Wren.

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**AMENDMENT OFFERED**

Representative Dolbare offered the following amendment #2 to the bill, S. 306:

On Page 13, Line 8, strike the following:

"Section 3. This act shall cease and terminate upon the occurrence of all of the following events: (1) the enactment of legislation that provides in a comprehensive manner for retail electric service competition in this state and surrounding states; (2) provision in such legislation or in regulations that provide in this state for the recovery of stranded costs by utilities upon the transfer of existing electrical customers; (3) elimination of the obligation of utilities to plan for and provide service; and (4) imposition of the same taxes on sales to existing customers by a non-utility at the rates applicable to sales by the utility presently serving the existing customer."

And insert in lieu thereof:

"Section 3. The provisions of this act shall expire on December 31, 2007."

### AMENDMENT TABLED

On motion of Representative Hammett, the amendment #2 offered by Representative Dolbare to the bill, S. 306, was tabled.

Yeas 65; Nays 25.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Dean, Drake, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hawkins, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Petelos, Reed, Robinson, Rogers (J), Rogers (M), Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Venable and Willis.

-65

Nay:

Representatives Buskey, Carter, Crigler, Curry, Dolbare, Dukes, Fuller, Gaines, Haney, Hill, Kennedy, Layson, McKee, McMillan, Morton, Newton (C), Payne, Penry, Pringle, Sanderson, Seibenhener, Turner, Warren, White and Wren.

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### AMENDMENT OFFERED

Representative Wren offered the following amendment to the bill, S. 306:

On Page 13, Line 8, strike the following:

"Section 3. This act shall cease and terminate upon the occurrence of all of the following events: (1) the enactment of legislation that provides in a comprehensive manner for retail electric service competition in this state and surrounding states; (2) provision in such legislation or in regulations that provide in this state for the recovery of stranded costs by utilities upon the transfer of existing electrical customers; (3) elimination of the obligation of utilities to plan for and provide service; and (4) imposition of the same taxes on sales to existing customers by a non-utility at the rates applicable to sales by the utility presently serving the existing customer."

And insert in lieu thereof:

"Section 3. This act shall cease and terminate upon an entity of the federal government developing and implementing a policy providing for open access retail wheeling of electric power."

**AMENDMENT TABLED**

On motion of Representative Hammett, the amendment offered by Representative Wren to the bill, S. 306, was tabled.

Yeas 73; Nays 23.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Dean, Drake, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Smith, Spratt, Thomas (D), Townsend, Turnham, Venable and Willis.

-73

Nay:

Representatives Buskey, Carter, Crigler, Curry, Dolbare, Dukes, Fuller, Hamilton, Haney, Layson, McKee, McMillan, Newton (C), Penry, Petelos, Pringle, Sanderford, Seibenhener, Sims, Turner, Warren, White and Wren.

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**AMENDMENT OFFERED**

Representative Haney offered the following amendment #2 to the bill, S. 306:

Page 12 line 23, delete the word "also" and add the word "not" in its place.

**AMENDMENT TABLED**

On motion of Representative Hammett, the amendment #2 offered by Representative Haney to the bill, S. 306, was tabled.

Yeas 55; Nays 40.

Yea:

Mr. Speaker, Baker, Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Dean, Drake, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, Melton, Millican, Moore, Morrison, Morrow, Murphree, Newton (D), Papucci, Parker (P), Perdue, Reed, Robinson, Rogers (J), Seibenhener, Smith, Spratt, Starkey, Turnham and Venable.

-55

Nay:

Representatives Allen, Black (L), Buskey, Carter, Clouse, Collins, Crigler, Curry, Dolbare, Dukes, Fuller, Gaines, Hamilton, Haney, Hinshaw, Kennedy, Layson, McKee, McMillan, Minnifield, Mitchell, Morton, Newton (C), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Sims, Thomas (D), Townsend, Turner, Vance, Warren, White, Willis and Wren.

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### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 186. EXPRESSING ADAMANT DISAPPROVAL OF THE PROPOSAL OF FORSYTH COUNTY, GEORGIA, TO TRANSFER SEWAGE WATER INTO THE COOSA RIVER BASIN.

McDOWELL LEE  
Secretary

### S. 306 RESUMED

### MOTION TO CARRY OVER TABLED

On motion of Representative Hammett, the motion offered by Representative Penry to carry over the bill, S. 306, to the twenty-fifth legislative day was tabled.

Yeas 72; Nays 26.



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Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Dean, Drake, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, Melton, Millican, Moore, Morrison, Morrow, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Venable and Willis.

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Nay:

Representatives Buskey, Carter, Crigler, Curry, Dolbare, Dukes, Hamilton, Haney, Kennedy, Layson, McDaniel, McKee, McMillan, Minnifield, Morton, Newton (C), Penry, Petelos, Pringle, Sanderford, Sims, Turner, Vance, Warren, White and Wren.

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**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 395. COMMENDING SHELTON STATE PRESIDENT DR. THOMAS E. UMPHREY AS RECIPIENT OF THE 1995 NATIONAL PACESETTER AWARD.

McDOWELL LEE  
Secretary

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 419. COMMENDING PERSONNEL OF THE ALABAMA FORESTRY COMMISSION.

McDOWELL LEE  
Secretary

**S. 306 RESUMED****AMENDMENT OFFERED**

Representative Haney offered the following amendment #3 to the bill, S. 306:

Page 12 line 23, delete the word "also" and add the word "not" in its place.

Page 12, line 25, after et seq. "except for the Boards that cover multiple systems ie. water, sewer, gas and electric systems.",

**AMENDMENT TABLED**

On motion of Representative Hammett, the amendment #3 offered by Representative Haney to the bill, S. 306, was tabled.

Yeas 59; Nays 36.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Dean, Drake, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, Millican, Moore, Murphree, Newton (D), Page, Papucci, Parker (P), Perdue, Reed, Rogers (J), Rogers (M), Sanderson, Smith, Spratt, Starkey, Turnham and Venable.

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Nay:

Representatives Buskey, Carter, Clouse, Collins, Crigler, Curry, Dolbare, Dukes, Hamilton, Haney, Jackson, Layson, McDaniel, McKee, McMillan, Melton, Mitchell, Morrison, Morrow, Morton, Newton (C), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Sanderford, Sims, Thomas (D), Townsend, Turner, Warren, White, Willis and Wren.

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And the bill, S. 306, was read a third time at length and passed.

Yeas 81; Nays 19.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Dean, Drake, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable and Willis.

-81

Nay:

Representatives Buskey, Carter, Crigler, Curry, Dolbare, Dukes, Hamilton, Haney, Hill, Layson, McKee, McMillan, Newton (C), Penry, Pringle, Turner, Warren, White and Wren.

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**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 186. EXPRESSING ADAMANT DISAPPROVAL OF THE PROPOSAL OF FORSYTH COUNTY, GEORGIA, TO TRANSFER SEWAGE WATER INTO THE COOSA RIVER BASIN.

Also:

H.J.R. 395. COMMENDING SHELTON STATE PRESIDENT DR. THOMAS E. UMPHREY AS RECIPIENT OF THE 1995 NATIONAL PACESETTER AWARD.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

**SIGNING OF HOUSE JOINT RESOLUTIONS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 419. COMMENDING PERSONNEL OF THE ALABAMA FORESTRY COMMISSION.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

**SIGNING OF HOUSE JOINT RESOLUTION**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**RECESS**

On motion of Representative Newton (D), the House recessed until 1:40 o'clock p.m.

Yeas 70; Nays 16.

Yea:

Representatives Allen, Black (L), Black (M), Box, Boyd, Burke, Carns, Clark (W), Clouse, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E), Knight (A),

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Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Moore, Morton, Murphree, Newton (D), Page, Parker (P), Penry, Perdue, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Warren, White, Willis and Wren.

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Nay:

Representatives Bandy, Buskey, Carter, Collins, Crigler, Curry, Ford, Hall (A), Hinshaw, Layson, Morrison, Morrow, Papucci, Payne, Petelos and Sanderson.

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**HOUSE RECONVENED**

The hour of 1:40 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

**INTRODUCTION OF BILLS**

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Galliher (With Notice and Proof):

H. 992. Relating to Etowah County; providing for costs to be imposed on each person incarcerated into the Etowah County jail; and providing for distribution of the revenues to be derived from the additional court costs.

**COMMITTEE ON LOCAL LEGISLATION NO. 1**

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 992, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Galliher (With Notice and Proof):

H. 993. Relating to Etowah County; providing for additional compensation for the sheriff.

**COMMITTEE ON LOCAL LEGISLATION NO. 1**

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 993, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Baker (With Notice and Proof):

H. 994. Relating to Houston County, to impose a fee of \$35 as a processing fee to compile and print a list for the general public of all holders of a privilege or business license issued by the judge of probate for an entire fiscal year or a fiscal year to date; or a fee of \$20 for compiling and printing lists and updates of a single month new privilege or business licenses issued by the judge of probate; to provide for the disposition of the fees; and to provide that the law shall be cumulative.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 994, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Baker (With Notice and Proof):

H. 995. Relating to Houston County; to impose a special additional filing fee of three dollars on certain instruments, documents, and papers filed for record in the office of the judge of probate; to provide for the disposition of the fees; and to provide that the law shall be cumulative.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 995, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Baker (With Notice and Proof):

H. 996. Relating to Houston County; authorizing the sheriff to operate a jail concession for county prisoners and state prisoners in county custody; and providing for the deposit, distribution, and auditing of monies earned.

COMMITTEE ON LOCAL LEGISLATION NO. 1

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I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 996, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Baker (With Notice and Proof):

H. 997. Relating to Houston County; to provide for the issuance of annual privilege license by mail by the judge of probate; and to provide an additional fee for the purposes of this act.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 997, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Murphree (With Notice and Proof):

H. 998. Relating to Blount County, authorizing the county commission to collect taxes, licenses, and other fees and/or revenues currently being collected by the State Department of Revenue.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 998, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Murphree (With Notice and Proof):

H. 999. Relating to Blount County; providing for additional court costs in civil and criminal cases in the county with the proceeds to be used for operation, equipping, furnishing, and financing of a county jail.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 999, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Murphree (With Notice and Proof):

H. 1000. Relating to Blount County; authorizing the sheriff to operate a jail commissary and contract telephones for inmates, pay telephones, and vending machines located in the Blount County Law Enforcement Center; providing for the deposit of monies earned; and providing for the distribution and auditing of the funds.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 1000, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Boyd:

H. 1001. Exempting certain early retirement incentive bonuses paid to persons retiring from a two-year junior, technical, or vocational college or school from an occupational license tax or fee levied by a local governmental entity retroactive to April 1, 1996.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Papucci (With Notice and Proof):

H. 1002. Relating to Madison County, amending Act No. 80-277, 1980 Regular Session, as amended, and providing further for the organization and operation of the Madison County Legislative Delegation Office.

COMMITTEE ON LOCAL LEGISLATION NO. 4

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 1002, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Turner:

H. 1003. To propose an amendment to the Constitution of Alabama of 1901 that annuls Section 65 thereof and substitutes in lieu of the section so annulled provisions to authorize the Legislature by law to prohibit or to allow and control lotteries to such extent and under such conditions as it determines to be in the best interests of the people of the state; to provide that certain provisions of the Constitution shall not restrict the power of the Legislature to enact laws to prohibit, authorize, license, regulate or tax lotteries; to require the Legislature to establish



an education improvement program known as the STARS Program (Student Tuition Assistance, Resources and Safety) and to fund said program from lottery profits derived by the state from a statewide lottery; to provide that the STARS Program will make available tuition scholarships and other financial assistance to qualified students who graduate from secondary schools in Alabama so that they may attend post-secondary institutions in Alabama; to provide that the STARS Program will also, to the extent that funds appropriated therefor are available after fully providing for said scholarship program, (i) promote knowledge and use of technology in the public schools by providing funds for the state technology portion of the Foundation Program and (ii) provide funds for facilities and operating costs intended to create and maintain a safe learning environment in the public schools; to provide that lottery profits that are not appropriated for the STARS Program shall be distributed: 50% to the State General Fund and 50% to the Education Trust Fund; and to specify the purposes for which lottery profits credited to either the State General Fund or the Education Trust Fund may be appropriated by law.

COMMITTEE ON TOURISM, ENTERTAINMENT  
AND SPORTS

The above bill was read a first time at length as required by the Constitution.

By Representatives Knight (A), Hill, Gaines, Curry, Smith, and Carns:

H. 1004. To amend Section 11-42-40, Code of Alabama 1975, to exempt a Class 1 municipality from certain annexation election procedure.

COMMITTEE ON COMMERCE,  
TRANSPORTATION AND UTILITIES

By Representative Burke:

H. 1005. To phase out the existing requirement for certain counties to pay salary supplements to circuit and district court judges.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Hall (L) (With Notice and Proof):

H. 1006. Relating to Madison County; to authorize the Director of the Madison County License Department to charge and collect a fee not to exceed \$2.00 for each motor vehicle license tag issued by mail in addition to all other fees prescribed by law; and repealing conflicting laws.

COMMITTEE ON LOCAL LEGISLATION NO. 4

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 1006, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

**BILLS ON SECOND READING**

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 530. To amend Section 13A-12-27 of the Code of Alabama 1975, relating to the possession of a gambling device, to eliminate the requirement of proof of intent to use the gambling device in the advancement of unlawful gambling activity to be guilty of possession of a gambling device; and to provide for certain exemptions.

S. 351. To authorize any juvenile court to require the parents or legal guardian of a child who has been declared a delinquent child and placed on probation by the court to assist the court in ensuring that the child complies with the terms of probation, and would provide for penalties and exemptions.

H. 782. Relating to boats and vessels; to prohibit the unauthorized alteration of identification numbers on or the registration information relating to boats, outboard motors, or identifiable component parts thereof; to provide criminal penalties for violations, including illegal possession thereof; and provide for forfeiture procedures under certain conditions.

H. 981. To amend Section 32-6-19 of the Code of Alabama 1975, relating to the imposition of a penalty for driving with a cancelled, suspended, or revoked driver's license; to provide for the impoundment of a motor vehicle operated by a person whose driver's license or driving privilege has been cancelled, suspended, or revoked for driving while convicted of driving under the influence of a controlled substance; to provide an exception for certain emergencies; to provide the procedure for the impoundment; to provide immunity to the law enforcement officer; create a lien on the vehicle on behalf of the towing company; and to repeal Article 9A, Chapter 5A of the Code of Alabama 1975, the "Safe Streets Act of 1995."

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 580. To propose the creation of the Tuskegee Airmen Commission; to provide for the membership, powers, and duties of the commission; to provide penalties for violations; and for other purposes.

H. 910. To extend the eligibility for services of the Alabama Department of Mental Health and Mental Retardation to citizens of the State of Alabama who have a developmental disability; to provide for state and local administration of those services, and to rename the department as the Department of Mental Health and Developmental Disabilities.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 371. (With Amendment): Providing for a policy for prevention of sexual harassment for state employees.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 716. (With Substitute): To amend Section 41-4-221, Code of Alabama 1975, relating to the functions, powers, and duties of the Division of Data Systems Management; to exempt the Department of Transportation from the authority of the division; to allow the Department of Transportation to control its data processing activities, including, but not limited to, systems design and programming, and selection and procurement by purchase or by lease of all data processing systems and hardware deemed necessary to best serve the data processing needs of the department; to allow the department to prepare contract specifications for equipment and services; and to allow the department to employ the personnel necessary to adequately carry out the data processing activities.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 990. To further provide for the right to carry pistols; to prohibit certain persons from carrying a pistol under certain conditions; to provide exceptions; to prohibit a juvenile under the age of 18 from possessing a pistol with certain exceptions; to amend Sections 13A-11-72, 13A-11-73, and 13A-11-74 of the Code of Alabama 1975, therefor; to specifically repeal Section 13A-11-75, Code of Alabama 1975 relating to licensure procedures and fees for a person to carry a pistol; and to provide for criminal penalties.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 99. (With Substitute): To regulate and license the practice of interior design; to create the Alabama State Board of Registration for Interior Design; to provide for certain powers and duties of the board; to provide requirements and procedures for the issuance of a certificate of registration; to provide for criminal penalties and disciplinary actions; to establish hearings and appeals for disciplinary proceedings; to provide for disposition of fees received by the board; to repeal Sections 34-15A-1 to 34-15A-7, inclusive, Code of Alabama 1975; and to provide for an effective date.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 364. Relating to Hale County; to provide the collection and disposition of a special indexing fee.

H. 938. Relating to Chambers County, authorizing the sheriff to sell certain abandoned, stolen, and unclaimed property at public auction; authorizing the sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms; and providing for the disposition of proceeds.

H. 939. Relating to Chambers County; providing further for the use of certain funds accruing to the Sheriff's Work Release Fund.

H. 940. Relating to Chambers County; providing for the levy of an additional recording fee upon court documents filed for record with the judge of probate; and providing that the fee shall not apply to real property or U.C.C. instruments.

H. 941. Relating to Chambers County; providing for the county commission to reimburse the office of judge of probate for monetary loss resulting from the performance of official duties for errors or mistakes made in good faith and providing that reimbursement payments be made from the county general fund.

H. 942. Relating to Chambers County; to amend Section 2 of Act No. 1180, H. 2226, 1971 Regular Session, as amended, relating to the issuance of pistol permits by the sheriff, to provide further for the disposition of the fees.

H. 970. Relating to Lamar County; authorizing the sheriff to operate a jail store for prisoners in county custody; providing for the deposit, distribution, and auditing of monies earned; and confirming and ratifying certain prior actions.

H. 975. Relating to the Town of Pollard in Escambia County; to designate certain railroad crossings in the town as public crossings.

H. 977. To authorize the county commission of Monroe County, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Monroe County, on all taxable property situated in Monroe County, the special ad valorem tax for necessary public buildings, bridges and roads which is authorized in Section 215 to the Constitution, to a maximum rate, for any tax year of the county, which is equal to \$.65 on each one hundred dollars (6.5 mills on each dollar) of assessed value; provided that the proceeds attributable to the increase in the rate of levy rate may be used only for the acquisition, construction, maintenance and operation of a jail in the county and for the payment of debt service on any obligations incurred for such purpose; provided further, that (a) the levy of three of the additional mills shall be discontinued when all obligations issued by either the county

or any public corporation issuing debt to construct a jail for lease to the county have been paid, and (b) the remaining one of the additional mills shall thereafter be used solely for the purpose of paying costs of operating and maintaining the jail.

H. 979. Relating to Baldwin County; relating to the compensation and expense allowance for the Sheriff of Baldwin County; to further provide for an additional expense allowance and expiration date therefor and the sheriff's compensation in the next term of office.

H. 985. Relating to Macon County; abolishing the office of constable.

Representative Parker (T), Chairperson of the Standing Committee on Local Legislation No. 6, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 980. Relating to Tuscaloosa County; authorizing the sheriff to operate a jail store and contract telephone installation for inmates; providing for the deposit of monies earned; and providing for the distribution and auditing of monies earned.

H. 936. Proposing an amendment to the Constitution of Alabama of 1901, relating to the jurisdiction of any municipal planning commissions in Tuscaloosa County, to exempt certain forest or agricultural property and residential property from subdivision regulations in the unincorporated territory of the county.

The above bill was read a second time at length as required by the Constitution.

Representative Hill, Chairperson of the Standing Committee on Local Legislation No. 7, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 969. Relating to Shelby County; amending Sections 3, 4, and 6 of Act No. 88-389, H. 803 of the 1988 Regular Session (Acts 1988, p. 578), relating to the excise tax on certain tobacco products; allowing the Shelby County Commission to collect and distribute the tax; and allowing the affixing of stamps by the Shelby County Commission.

Representative Gaines, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 967. To amend Section 36-26-100 of the Code of Alabama 1975, defining employees; to include for dismissal procedures, the production workers at the Alabama Industries for the Blind.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 968. (With Substitute): To alter and rearrange the boundary lines and corporate limits of the municipality of Cullman in Cullman County to remove certain property from the corporate limits of the municipality.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 974. Relating to Limestone County; to provide that the privilege tax imposed by Local Act No. 230, 1927 Regular Session (Local Acts 1927, p. 135), as amended by Local Act No. 98, Special Session 1936 (Local Acts 1936, p. 56), shall not apply to gasoline or motor fuel stored or sold for use in vehicles, equipment, and aircraft designed primarily for off-road use; to provide for retroactive application without refund obligation.

H. 978. Relating to Etowah County; to amend Act No. 95-284, H. 73, 1995 Regular Session, as amended by Act No. 96-24, H. 8, First Special Session 1996, levying a sales and use tax; and to further provide for the disposition of the proceeds of the revenue raised from the tax.

Representative Parker (T), Chairperson of the Standing Committee on Local Legislation No. 6, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 976. Relating to Tuscaloosa County; to amend Section 11 of Act No. 328, H. 854 (1959 Regular Session), as amended by Act No. 1068, S. 940 (1973 Regular Session); to provide further for the percentage investments of the Fireman's and Policeman's Pensions and Relief Fund for the City of Tuscaloosa.

Representative Holmes, Chairperson of the Standing Committee on Local Legislation No. 5, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 660. Relating to Montgomery County; authorizing the Sheriff to operate a jail store/commissary for inmates; providing for the deposit of monies earned; providing for the distribution and auditing of monies earned; providing for an effective date.

H. 661. Relating to Montgomery County; providing further for the compensation of the elected official in the position of sheriff.

**PERMISSION GRANTED**

Permission was granted for the Journal to reflect that Representative Minnifield intended to vote "Yea" on passage of the bill, S. 306.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**S.J.R. 25. MOURNING THE DEATH OF ADAM LAYNE DARLING.**

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 25.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**S.J.R. 107. COMMENDING THE UNIVERSITY OF ALABAMA STUDENT BODY FOR REINSTATING THE STUDENT GOVERNMENT ASSOCIATION.**

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 107.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 435. COMMENDING DR. ED MEADOWS AS THE NEW PRESIDENT OF AYERS STATE TECHNICAL COLLEGE IN ANNISTON, ALABAMA.**

WHEREAS, it is with highest commendation that the Alabama Legislature notes the selection of Dr. Ed Meadows as President of Ayers State Technical College in Anniston, Alabama; and

WHEREAS, Dr. Ed Meadows has served as a member of the administrative staff as Dean of Instruction at Bevill State Community College since June of 1991, and as Vice President of the College since September of 1993, and over his distinguished tenure, has played a prominent role in the school's overall growth and development; and

WHEREAS, a native of Mississippi, Dr. Meadows earned his M.A. and doctorate degrees at Ball State University and served as an instructor at the University, as Dean of Academic Affairs at Shelby State Community College, and for 10 years in the Mississippi two-year college system as an Associate Dean, Department Chair, and faculty member, prior to joining the staff at Beville State; and

WHEREAS, in further service to his profession, Dr. Meadows has served as a member of the Executive Board for the National Council of Instructional Administrators, achieving the NISOD Award for Excellence in 1994; as a member of various committees for the Alabama Department of Postsecondary Education; and presently serves as President of the Alabama College Association, which comprises all of the state public two-year colleges; and

WHEREAS, he also has provided invaluable leadership and support to the Walker County community, including membership on the Board of Directors for the Chamber of Commerce of Walker County and the Walker County Economic Development Authority, in various posts with the Jasper Rotary Club, as a member of the Jasper Men's Choral, and as President of the East Walker Chamber of Commerce; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Dr. Ed Meadows on his outstanding contributions and service to Beville State Community College and, by copy of this resolution, extend our sincere regard and best wishes for many more years of continuing success as President of Ayers State Technical College in Anniston, Alabama.

On motion of Representative Carter, the resolution, H.J.R. 435, was adopted.

### RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Seibenhener:

H.R. 446. HONORING WYNNTON MELTON FOR HIS OUTSTANDING PROFESSIONAL ACHIEVEMENTS.

### BILLS ON THIRD READING

#### BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Gipson, the Budget Isolation Resolution relating to the bill, H. 923, was adopted.



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Yeas 54; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Burke, Carns, Carter, Clouse, Collins, Curry, Drake, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Knight (A), Laird, Layson, Lindsey, McClammy, McDaniel, Melton, Millican, Moore, Morton, Murphree, Newton (D), Papucci, Parker (T), Reed, Rogers (M), Sanderson, Seibenhener, Smith, Starkey, Thomas (D), Turner, Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 923. Relating to Elmore County; to amend Section 7 of Act 95-393, H. 591, 1995 Regular Session (Acts 1995, p. 800), providing for districts for fire protection and other related services and for the imposition of fees in the districts; to exclude any area within the corporate limits of the City of Prattville and any area in the police jurisdiction of the City of Prattville served by the City of Prattville; and to provide for retroactive effect to October 1, 1995.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Burke, Carothers, Carter, Clouse, Collins, Curry, Drake, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Layson, Lindsey, McClammy, Melton, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Rogers (M), Sanderson, Seibenhener, Smith, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Penry, the Budget Isolation Resolution relating to the bill, H. 931, was adopted.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carter, Clouse, Collins, Curry, Dolbare, Flowers, Gaines, Galliher, Gipson, Guin, Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hinshaw, Hogan, Jackson, Johnson (E), Johnson (R), Jorgensen, Laird, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Penry, Perdue, Rogers (J), Rogers (M), Sanderson, Seibenhener, Smith, Thomas (D), Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 931. Relating to Baldwin County; amending Sections 2 and 3 of Act No. 85-684, H. 1056, (Acts 1985, p. 1097), relating to court charges and the Baldwin County Law Library and Judicial Administration Fund, to make the \$1.50 court costs applicable in civil and quasi civil actions, equity, criminal, quasi criminal, proceedings on forfeited bail or forfeited bond in the circuit court of Baldwin County under certain conditions applicable in the Juvenile Court and in civil actions filed in the District Court of Baldwin County; and providing that this act shall be construed together with other laws relating to court costs in Baldwin County, and ratifying collections retroactively to January 1, 1977.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Buskey, Carothers, Carter, Clouse, Curry, Dolbare, Flowers, Gaines, Gipson, Graham, Guin, Hamilton, Hammett, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Penry, Perdue, Rogers (J), Rogers (M), Sanderson, Seibenhener, Smith, Thomas (D), Turnham, Vance, Venable, Warren, White and Willis.

-60

#### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Smith, the Budget Isolation Resolution relating to the bill, H. 954, was adopted.

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Yeas 59; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carothers, Carter, Clouse, Collins, Curry, Dolbare, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, McAdory, McClammy, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Penry, Perdue, Rogers (J), Rogers (M), Sanderson, Seibenhener, Smith, Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 954. Relating to Chilton County; authorizing the county commission to levy an additional one cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; prescribing penalties and fixing punishment for violation of this act; providing for a referendum; and providing for a termination date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Black (M), Box, Burke, Carothers, Carter, Clouse, Collins, Curry, Flowers, Gaines, Galliher, Graham, Guin, Hall (L), Hammett, Hayden, Hill, Hogan, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, McClammy, McDaniel, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Penry, Perdue, Rogers (M), Sanderson, Seibenhener, Smith, Turnham, Vance, Venable, Warren, White and Willis.

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**PRESENCE OF A QUORUM ASCERTAINED**

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Flowers, the Budget Isolation Resolution relating to the bill, H. 956, was adopted.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Collins, Dean, Dolbare, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hayden, Hinshaw, Hogan, Jackson, Johnson (E), Johnson (R), Knight (A), Laird, Lindsey, McClammy, Millican, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Rogers (J), Rogers (M), Sanderson, Seibenhener, Smith, Townsend, Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 956. Relating to Pike County, to establish the City of Troy Investment Trust Fund; to prescribe that the City of Troy shall place certain proceeds from the sale of Edge Regional Medical Center in the Investment Trust Fund; and to prescribe requirements for the management of the Investment Trust Fund.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yea:

Representatives Allen, Bandy, Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Curry, Dean, Dolbare, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawkins, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Rogers (J), Rogers (M), Sanderson, Seibenhener, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, Warren, White and Willis.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Clark (J), the Budget Isolation Resolution relating to the bill, H. 966, was adopted.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Baker, Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Curry, Drake, Dukes, Ford, Gaines, Galliher, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Papucci, Parker (P), Payne, Perdue, Petelos, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 966. To provide additional revenue in the City of Eufaula to be used for the promotion of tourism and economic development within the city and county; levying a municipal privilege or license tax paralleling, at lower rate, state privilege or license tax on businesses of renting rooms, lodging or accommodations to transients as provided for in Chapter 26, Title 40, Code of Alabama 1975, as heretofore or hereafter amended or supplemented; providing for the ascertainment, collection, payment, distribution and use of the proceeds of all such taxes; to provide for a redistribution of the municipal lodging tax collected in the City of Eufaula; and prescribing penalties and fixing punishment for violation of this act.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clouse, Collins, Curry, Drake, Dukes, Flowers, Gaines, Galliher, Gipson, Graham, Guin, Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, Millican, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, Warren and Willis.

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**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Venable, the Budget Isolation Resolution relating to the bill, H. 963, was adopted.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clouse, Collins, Curry, Dean, Drake, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Layson, Lindsey, Maull, McAdory, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Turnham, Vance, Warren, White and Willis.

-65

And the bill:

H. 963. Relating to Elmore County; authorizing the county commission to levy an additional ad valorem tax and providing for a referendum.

was taken up.

**AMENDMENT OFFERED**

Representative Venable offered the following amendment to the bill, H. 963:

On page 1, line 25, delete the words "general fund" and add in lieu thereof the following: board of education

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (M), Box, Boyd, Burke, Carothers, Carter, Clouse, Collins, Curry, Dean, Drake, Flowers, Gaines, Galliher, Gipson, Graham, Guin, Hammett, Hawk, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull,

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McAdory, McDaniel, McMillan, Millican, Mitchell, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Vance, Venable, Warren, White and Wren.

-65

And the bill:

H. 963. Relating to Elmore County; authorizing the county commission to levy an additional ad valorem tax and providing for a referendum.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clouse, Collins, Curry, Drake, Flowers, Gaines, Galliher, Gipson, Graham, Guin, Hammett, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Laird, Layson, Lindsey, Maull, McAdory, McMillan, Millican, Mitchell, Moore, Morton, Murphree, Newton (C), Parker (P), Parker (T), Penry, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Vance, Venable, Warren and Wren.

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**S. 78 TEMPORARILY CARRIED OVER**

On motion of Representative Box, the bill, S. 78, and the pending substitute reported by the Standing Committee on State Administration on the fourteenth legislative day were temporarily carried over.

**H. 465 TEMPORARILY CARRIED OVER**

In accordance with House Rule 21, the bill, H. 465, and the pending Budget Isolation Resolution offered by Representative Knight (A) on the twentieth legislative day were temporarily carried over at the request of Representative Knight (A).

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 306. To amend Article I of Chapter 4 of Title 37 of the Code of Alabama 1975, by adding a new Section 37-4-30 which would empower the Public Service Commission or Circuit Court, as appropriate, to review private contracts for electric services to existing electric customers for the purpose of determining whether the private contract is consistent with the public interest and to require the existing customer to reimburse any utility (which, for purposes of this paragraph, include utilities, utility board, electric boards and improvement authorities) currently providing service to an existing customer seeking to obtain electric service pursuant to a private contract for any stranded costs associated with the transfer of the existing electric customer's service; to provide that these stranded costs shall mean all verifiable costs or obligations incurred by a utility in order to provide service to electric customers in the area served by the utility that cannot actually be recovered through mitigation upon the transfer of the existing electric customer to another supplier, and include, but are not limited to, costs of investment in generating, transmission and distribution facilities; obligations for purchased power, fuel and transmission charges; costs of assets required to be capitalized under utility accounting principles; and other fixed costs incurred by the utility to provide service; to provide for the use of commissioners in certain instances; to provide for appeals from the Circuit Court to the Supreme Court directly; to provide for severability, and to provide for the cessation and termination of the provisions of the act upon the occurrence of all of the following events: (1) the enactment of legislation that provides in a comprehensive manner for retail electric service competition in this state and surrounding states; (2) provision in such legislation or in regulations that provide in this state for the recovery of stranded costs by utilities upon the transfer of existing electric customers; (3) elimination of the obligation of utilities to plan for and provide service; and (4) imposition of the same taxes on sales to existing customers by a non-utility at the rates applicable to sales by the utility presently serving the existing customer.

McDOWELL LEE  
Secretary

**SIGNING OF SENATE BILL**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.



**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 410. COMMENDING DENISE IRELAND CYPRESS AS 1996 ALABAMA COUNCIL FOR LEARNING DISABILITY TEACHER OF THE YEAR.

Also:

H.J.R. 413. COMMENDING JUNIOR CIVITAN, A PROGRAM OF CIVITAN INTERNATIONAL, ON ITS SIXTEENTH ANNUAL CONVENTION JUNE 27-30, 1996, IN BIRMINGHAM, ALABAMA.

Also:

H.J.R. 420. COMMENDING MICHAEL R. KELLY UPON HIS ELECTION AS PRESIDENT OF THE ALABAMA PRESS ASSOCIATION.

McDOWELL LEE  
Secretary

**BILLS ON THIRD READING**

**BUDGET ISOLATION RESOLUTION OFFERED**

Representative Carothers offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 214.

Yeas 82; Nays 14.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Reed, Robinson, Rogers (J), Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

Nay:

Representatives Carns, Curry, Gaines, Gipson, Haney, Hawkins, McKee, McMillan, Moore, Penry, Pringle, Rogers (M), Sanderford and Sanderson.

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**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 963. Relating to Elmore County; authorizing the county commission to levy an additional ad valorem tax and providing for a referendum.

**TOMMY CARTER**  
Chairman

And the bill, H. 963, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 410. COMMENDING DENISE IRELAND CYPRESS AS 1996 ALABAMA COUNCIL FOR LEARNING DISABILITY TEACHER OF THE YEAR.

Also:

H.J.R. 413. COMMENDING JUNIOR CIVITAN, A PROGRAM OF CIVITAN INTERNATIONAL, ON ITS SIXTEENTH ANNUAL CONVENTION JUNE 27-30, 1996, IN BIRMINGHAM, ALABAMA.

Also:

H.J.R. 420. COMMENDING MICHAEL R. KELLY UPON HIS ELECTION AS PRESIDENT OF THE ALABAMA PRESS ASSOCIATION.

And finds same correctly enrolled.

TOMMY CARTER  
Chairman

### **SIGNING OF HOUSE JOINT RESOLUTIONS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

### **MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 25. MOURNING THE DEATH OF ADAM LAYNE DARLING.

Also:

S.J.R. 107. COMMENDING THE UNIVERSITY OF ALABAMA STUDENT BODY FOR REINSTATING THE STUDENT GOVERNMENT ASSOCIATION.

McDOWELL LEE  
Secretary

### **SIGNING OF SENATE JOINT RESOLUTIONS**

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

### **H. 214 TAKEN UP**

And the bill:

H. 214. (With Amendment): To amend Sections 16-6B-2, 16-6B-8, 16-13-232, 16-13-234, and 16-13-236, Code of Alabama 1975, to define

vocational/technical education, vocational/technical instructor, and vocational support personnel; to increase the base amount of state funds spent by local school boards for vocational/technical education each year by the same percentage as teacher salaries; to provide that each comprehensive high school receiving a vocational counselor unit in 1994-95 earn a vocational director/administrator and a vocational counselor; to provide for the allocation of funds from the public school fund to area vocational centers and comprehensive high schools beginning in the fiscal year 1996-97; and to provide that funds received from the state by local boards of education for vocational/technical education be used only for vocational/technical education or vocational support personnel and that any remaining funds revert to the Alabama Special Educational Trust Fund for allocation toward instructional support costs of vocational/technical education.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means to the bill, H. 214, said committee amendment being as follows:

Amend H. 214 on Page 13, line 4 following the word "year." by inserting the following: "No additional units shall be earned as a result of the comprehensive high school provision above."

#### AMENDMENT TABLED

On motion of Representative Carothers, the committee amendment was tabled.

Yeas 83; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Mitchell, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representative Carns.

**AMENDMENT OFFERED**

Representative Carothers offered the following amendment to the bill, H. 214:

Amend H. 214 on page 4, line 16 by striking the word "all" and inserting in lieu thereof the words "one or more".

Further amend the bill on page 13 by deleting lines 1 through 4 and inserting in lieu thereof the following: "In addition, each comprehensive high school which had a vocational director/administrator and/or a vocational counselor in the 1994-95 school year may continue to have those positions. Those local boards".

Further amend the bill beginning on page 16, line 9 by deleting Section 4 in its entirety and renumbering all subsequent sections accordingly.

Further amend the bill on page 21 after line 2 by inserting the following: "In addition, it is the intent of the Legislature that vocational/technical education programs shall receive at least a pro rata share of funds provided by the state for capital outlay and at-risk, pursuant to Section 16-13-234."

Further amend the bill on page 6, lines 20 and 22 by striking the word "vocational" and inserting in lieu thereof the following: "vocational/technical education".

Further amend the bill on page 13, lines 13 and 22 by striking the word "vocational" and inserting in lieu thereof the following: "vocational/technical".

Further amend the bill on page 13, line 22 and page 14, line 7 after the word "Governor" by inserting the following: "and the Legislature".

Further amend the bill on page 13, line 11 by striking the word "The" and inserting in lieu thereof the following: "For each fiscal year for which a separate appropriation for operations and maintenance of special education and/or vocational/technical education programs is not made, the".

Further amend the bill on page 2, line 17 by deleting the language "16-13-234,".

Further amend the bill on page 2 by deleting lines 23 through 26 in their entirety and inserting in lieu thereof the following: "comprehensive high school having a vocational director/administrator and/or a vocational counselor in 1994-95 shall continue to do so;"

Further amend the bill on page 3 by deleting line 1 in its entirety.

Further amend the bill on page 3, line 2 by deleting the language "1996-97; and".

Further amend the bill on page 3, line 7 after the word "education" by inserting the following: "; and to express the intent of the Legislature regarding the allocation of funds from the Public School Fund".

Further amend the bill on page 1, line 20 by deleting the word "earn" and inserting in lieu thereof the word "receive".

Further amend the bill on page 1 by deleting lines 24 and 25 in their entirety.

Further amend the bill on page 2 by deleting lines 1 and 2 in their entirety.

Further amend the bill on page 2 after line 10 by inserting the following: "This bill would express the intent of the Legislature regarding the allocation of funds from the Public School Fund."

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 95; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representative Hawkins.

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And the bill:

H. 214. To amend Sections 16-6B-2, 16-6B-8, 16-13-232, and 16-13-236, Code of Alabama 1975, to define vocational/technical education,

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vocational/technical instructor, and vocational support personnel; to increase the base amount of state funds spent by local school boards for vocational/technical education each year by the same percentage as teacher salaries; to provide that each comprehensive high school having a vocational director/administrator and/or a vocational counselor in 1994-95 shall continue to do so; to provide that funds received from the state by local boards of education for vocational/technical education be used only for vocational/technical education or vocational support personnel and that any remaining funds revert to the Alabama Special Educational Trust Fund for allocation toward instructional support costs of vocational/technical education; and to express the intent of the Legislature regarding the allocation of funds from the Public School Fund.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 87; Nays 12.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

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Nay:

Representatives Carns, Collins, Curry, Haney, Hawkins, McKee, McMillan, Penry, Pringle, Sanderford, Sanderson and Wren.

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**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Bedford, Adams, Amari, Armistead, Bailey, Barron, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

**S.J.R. 109. MOURNING THE DEATH OF A. W. TODD.**

WHEREAS, it is with deepest sorrow and regret that the Alabama Legislature records the lamentable death of A. W. Todd on March 29, 1996, at the age of 80 years; and

WHEREAS, in a career of public service which spanned some 40 years, A. W. Todd's contributions to Alabama's farmers and consumers and to the agricultural and economic health and well-being of our state as a member of the Alabama Legislature and, most especially, as Commissioner of Agriculture and Industries for three unprecedented terms are legendary; and

WHEREAS, a native of Belgreen, Alabama, and a descendant of two generations of farmers, A. W. Todd overcame both financial and physical limitations to earn a B. S. degree in Agricultural Science from Alabama Polytechnic Institute, becoming the first member of his family to earn a college degree and, for the next four decades, serving in a political career devoted to agriculture, which would become historic, and recorded in the annals of Alabama history; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are indeed saddened by the death A. W. Todd, one of our state's most prominent and legendary figures, and extend our heartfelt sympathy to his beloved wife, Robbie Lou Smith Todd; daughters, Nancy Todd Pinion, Jeanie Todd Tunell, and Elizabeth Todd Campbell; seven grandchildren; and to other close family members and friends, for whom a copy of this resolution of sincere condolence shall be provided.

McDOWELL LEE  
Secretary

**SENATE MESSAGE**

The resolution, S.J.R. 109, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**RESOLUTION**

The following resolution was introduced:



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By Rules Committee:

H.R. 447. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the Twenty Third legislative day, Wednesday, April 24, 1996, taking precedence over the regular order of business or any pending or unfinished business. Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the Following bills:

Inst Id	Page
H. 702 (By McDaniel)	85
Workers' Comp., anti-fraud unit estab.	
H. 694 (By Boyd)	177
Chemical weapons, regulation of disposal as hazardous wastes by Alabama Department of Environmental Management	
S. 199 (By Lindsey)	66
Hunting licenses, nonresidents who pay ad valorem tax under cert. conditions, purchase of license as a resident, Sec. 9-11-49.2 repealed	
H. 930 (By Box)	176
Corporations, domestic, deductions for cert. capital stock, alt., retroactive effect, Sec. 40-14-70 am'd.	
H. 603 (By Dukes)	64
Foreign corporations, dividend deduction, taxation alt., Sec. 40-18-35 am'd.	
S. 269 (By Biddle)	29
National Guard, Mutual Assistance Counter-Drug Activities Compact, authority to enter, policy and procedure	

S. 270 (By Biddle)	30
Military Dept., deletion of references to cert. grades of officers, Sec. 31-2-60 am'd.	
H. 671 (By Papucci)	89
Motorcycles, protective headgear and shoes req., to apply only to riders under the age of 21, Sec. 32-5A-245 am'd.	
H. 615 (By Mitchell)	96
General Fund Budget and Special Education Trust Fund Budget, out of conference committee 72 hours prior to vote by Legislature, const. amend.	
H. 624 (By Hall L)	65
Health insurance and plans, post-partum coverage under cert. conditions	
H. 528 (By Page)	50
Student debit card programs for cert. off-campus stores for students at public institutions of higher ed.	
H. 504 (By Turnham)	58
Building contractors licensing bd., Secs. 34-8-1, 34-8-2, 34-8-4, 34-8-6, 34-8-7, 34-8-8, 34-8-9, 34-8-20, 34-8-22, 34-8-24, 34-8-28 am'd.	
H. 80 (By Fuller)	95
Public Schools and school sponsored organizations, sales by exempt from sales and use taxes if sales are for the school's benefit	
H. 377 (By Newton D)	120
State property, transfers to cos. and muns., auth., Sec. 9-15-82 am'd.	
H. 667 (By Fuller)	136
Utilities, gross receipts tax, cert. natural gas excluded, Secs. 40-21-83, 40-21-103 am'd.	

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H. 124 (By Fuller)	71
Bail, distrib. of forfeitures in st. cases, one-half to co. where defendant was charged, Secs. 15-13-130, 15-13-131 am'd.	
H. 863 (By Fuller)	140
Children, Missing Children Bureau renamed Missing and Exploited Children Bureau, Secs. 26-19-1, 26-19-2, 26-19-3, 26-19-4 am'd.	
H. 684 (By Crigler)	75
Game and fish, gill net licensure hardship bd., estab., sp. licensing procedures	
H. 839 (By Haney)	131
Income tax liability, businesses that may qualify, group expanded, refined oil and gas included, Sec. 40-9B-3 am'd.	
H. 670 (By Gaines)	141
Hoover City Schools Foundation, sales and use tax exempt	
H. 378 (By Morrison)	91
Distinctive license plates, price reduced for retired or active educators to purchase, spouse of retired or active educator may purchase, distinc. license plates for Masons auth., Sec. 32-6-302 am'd.	
H. 653 (By Johnson R)	98
Foster family homes, emergency approval by Human Resources Dept. auth., Sec. 38-7-5 am'd.	
S. 139 (By Langford)	104
Oil and gas, license fees paid to Revenue Dept. on transaction of 25 gallons or more, alt., Sec. 40-17-174 am'd.	
H. 625 (By Hall L)	66
Health benefit plans, primary care physicians, to include OB-GYN, no referral req.	

H. 527 (By Buskey)

185

Franklin Memorial Clinic, Inc., exempt from mun. gross receipts and business license taxes

H. 787 (By Hill)

129

Banks and banking, account statement, requirement of payee's name removed, Sec. 7-4-406 am'd.

H. 51 (By Starkey)

58

Tennessee Valley Exhibit Comm., membs. duties alt., Secs. 41-9-781, 41-9-782 am'd.

On motion of Representative Carter, the resolution, H.R. 447, was adopted.

**MOTION TO SUSPEND RULES LOST**

The motion offered by Representative Crigler to suspend the rules in order to take up out of order the Budget Isolation Resolution and the bill, H. 4, was lost, lacking a four-fifths vote.

Yeas 42; Nays 39.

Yea:

Representatives Box, Burke, Carns, Carothers, Clouse, Crigler, Dean, Dolbare, Galliher, Gaston, Gipson, Hall (A), Hamilton, Hawkins, Hill, Hinshaw, Hooper, Johnson (R), Knight (A), Laird, Layson, McKee, Millican, Minnifield, Mitchell, Moore, Morrow, Newton (C), Page, Papucci, Payne, Petelos, Pringle, Sanderson, Seibenhener, Sims, Smith, Townsend, Venable, Warren, White and Wren.

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Nay:

Mr. Speaker, Baker, Bandy, Black (M), Buskey, Carter, Clark (W), Curry, Drake, Dukes, Gaines, Guin, Hall (L), Hammett, Haney, Hawk, Hayden, Hilliard, Holmes, Houston, Johnson (E), Kennedy, Knight (J), McAdory, McClammy, McDaniel, McMillan, Melton, Morton, Murphree, Newton (D), Penry, Reed, Rogers (J), Sanderson, Spratt, Starkey, Turnham and Vance.

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**PERMISSION GRANTED**

Permission was granted for the Journal to reflect that Representative Rogers (M) intended to vote "Yea" on the motion offered by Representative Crigler to suspend the rules in order to bring up out of order the Budget Isolation Resolution and the bill, H. 4.

**RESOLUTION**

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Seibenhener:

H.R. 448. COMMENDING CLEMMIE GRAHAM ON THE OCCASION OF HER 104TH BIRTHDAY.

**SPECIAL ORDER CALENDAR**

The House then proceeded with the consideration of the Special Order Calendar.

**BUDGET ISOLATION RESOLUTION OFFERED**

Representative McDaniel offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 702.

**TIME TO DEBATE EXPIRED**

In accordance with the resolution, H.R. 447, the time to debate the bill, H. 702, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Boyd, the Budget Isolation Resolution relating to the bill, H. 694, was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Warren, White, Willis and Wren.

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And the bill:

H. 694. (With Substitute) (With Amendment): Relating to the disposal or treatment of chemical warfare agents, imposing requirements on the Alabama Department of Environmental Management to assure the safe treatment or disposal of chemical weapons to prevent the release of chemical warfare agents, the injury of humans, and damage to the environment.

was taken up.

### **SUBSTITUTE OFFERED**

Representative Boyd offered the following substitute to the pending substitute and amendment reported by the Standing Committee on State Administration to the bill, H. 694:

#### **A BILL TO BE ENTITLED AN ACT**

To provide that the current chemical stockpile plan, as written by the United States Army shall not change to permit the disposal facility to be permitted and constructed and operated at the Anniston Army Depot for any purpose other than to destroy the stockpile of chemical agents and components existing as of the effective date of this act.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. This act may be cited as the "Chemical Weapons Destruction Limitation Act."

Section 2. The Legislature finds that the sense of the Anniston community is that the continued storage of the Army's chemical stockpile at the Anniston Army Depot poses a risk that the community wants eliminated in a safe and efficient manner. The current Army disposal plan poses a much lower risk to the community than does the continued storage, stated by the National Research Council (NCR) in its 1994 study, but the community desires to ensure that no other chemical stockpile problems be added to the Army's disposal plan.

Section 3. The Army, having committed to the safe and complete disposal of the Anniston Army Depot stockpile, shall only process and destroy at its Anniston Demilitarization Facility the stocks stored there as of the date of its contract with a commercial company to do so. No other materials, except those materials used to demonstrate the performance of incinerators and pollution abatement systems during a trial burn demonstration, may be processed in the Anniston facility during its lifetime.

Section 4. The Army shall comply with its stated and written plan to close the demilitarization facility in accordance with the Resource Conservation and Recovery Act (RCRA), once the current stockpile at the Anniston Army Depot has been completely and safely destroyed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### **SUBSTITUTE ADOPTED**

And the substitute offered by Representative Boyd was adopted.

Yeas 98; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, White, Willis and Wren.

**AMENDMENT OFFERED**

Representative Boyd offered the following amendment to the bill, H. 694, as amended:

On page 1, delete the language on lines 16 and 17 and substitute in lieu thereof: other than to destroy the stockpile of chemical agents and components existing on the effective date of this act.

On page 2, delete lines 1 and 2 and substitute in lieu thereof: than to destroy the stockpile of chemical agents and components existing on the effective date of this act.

On page 2, lines 24 and 25, delete the words "and raze it" and substitute in lieu thereof: in accordance with the Resource Conservation and Recovery Act (RCRA),

**AMENDMENT ADOPTED**

And the amendment was adopted.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 694. To provide that the current chemical stockpile plan, as written by the United States Army shall not change to permit the disposal facility to be permitted and constructed than to destroy the stockpile of chemical agents and components existing as of the effective date of this act.

as amended, was read a third time at length and passed, and ordered engrossed.



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Yeas 97; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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**CO-SPONSORS ADDED**

The following were added as co-sponsors to the bill, H. 694, as amended:

Representatives Allen, Bandy, Black (L), Burke, Buskey, Clark (W), Crigler, Curry, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Hall (A), Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Laird, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Perdue, Petelos, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Vance and Willis.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Penry, the Budget Isolation Resolution relating to the bill, S. 199, was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E),

Johnson (R), Jorgensen, Knight (A), Laird, Layson, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

S. 199. To repeal Section 9-11-49.2, Code of Alabama 1975, relating to the treatment of certain nonresidents paying a certain amount of ad valorem property taxes as Alabama residents for the purpose of purchasing certain hunting licenses.

was read a third time at length and passed.

Yeas 94; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Maul, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representative Sims.

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### **BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Box, the Budget Isolation Resolution relating to the bill, H. 930, was adopted.

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Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Maull, McAdory, McClammy, McDaniel, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White and Wren.

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And the bill:

H. 930. To amend Section 40-14-70, Code of Alabama 1975, relating to the assessment and collection of the domestic corporation shares tax; to codify the long-standing deduction for the capital stock owned in other domestic corporations; to provide a conforming deduction for the cost of capital stock owned in foreign corporations doing business in Alabama; to provide certain technical corrections, repeal certain deadwood provisions, direct the Department of Revenue to issue conforming regulations; and to provide for a retroactive effective date.

was taken up.

**TIME TO DEBATE EXPIRED**

In accordance with the resolution, H.R. 447, the time to debate the bill, H. 930, expired and the Speaker proceeded to the next bill on the Special Order Calendar.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Dukes, the Budget Isolation Resolution relating to the bill, H. 603, was adopted.

Yeas 74; Nays 1.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Willis and Wren.

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Nay:

Representative Parker (P).

- 1

And the bill:

H. 603. To amend Section 40-18-35(a)(14), Code of Alabama 1975, to provide for a dividends received deduction and rules relating to taxing foreign source income; to provide further conformity with federal income tax law; and to provide an effective date.

was taken up.

### **SUBSTITUTE OFFERED**

Representative Dukes offered the following substitute to the bill, H. 603:

#### **A BILL TO BE ENTITLED AN ACT**

To add a new Section 40-18-35(a)(15), Code of Alabama 1975, to provide for a dividends received deduction for certain dividends received or deemed received by corporations commercially domiciled outside Alabama; and to provide an effective date.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. This act shall be known and may be cited as the "Foreign Dividends Taxation Act of 1996."

Section 2. Section 40-18-35, Code of Alabama 1975, is amended to read as follows:

"§40-18-35.

"(a) In computing the net income of domestic corporations doing business in this state subject to the tax imposed by Section 40-18-31, there shall be allowed as deductions items described in the following numbered subdivisions of this section. In computing the net income of foreign corporations doing business in this state subject to the tax imposed by Section 40-18-31, there shall be allowed as deductions the items described in the following numbered subdivisions of this section, but only if, and to the extent that, such items are referable to or arise in connection with income of such corporations arising from sources within the State of Alabama; the proper apportionment and allocation of deductions of such foreign corporations with respect to the income arising from sources within and without the State of Alabama shall be determined under the rules and regulations prescribed by the department of revenue; provided, that in the case of foreign corporations doing business partly within and partly without Alabama where income is apportioned and allocated to Alabama the expense incurred by such corporation in connection with earning such income shall be apportioned to Alabama in such manner as shall fairly reflect the net income of the corporation attributable to its operations in Alabama; provided, that none of the deductions allowed by subdivision (13) of this section shall be subject to any such apportionment or allocation and all thereof shall be allowed in full, any provisions thereof to the contrary notwithstanding. Subject to the limitations contained in the preceding sentence, there shall be allowed as deductions in computing the net income of corporations:

"(1) All ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business including a reasonable allowance for salaries and other compensation for personal services actually rendered and including rentals or other payments required to be made as a condition to the continued use or possession of property to which the corporation has not taken or is not taking title, or in which it has no equity;

"(2) All interest paid or accrued within the taxable year on its indebtedness except on indebtedness incurred or continued to purchase or carry obligations or securities, other than obligations of the United States issued after September 24, 1917, the interest upon which is wholly exempt from taxation under this title as income to the taxpayer; in the case of a foreign corporation, the proportion of such interest which shall be deductible shall be a portion of such interest determined by the ratio the amount of its gross income from sources within the State of Alabama bears to the amount of its gross income from all sources both within and without the State of Alabama;

"(3) Taxes paid or accrued within the taxable year imposed from time to time (i) by the authority of the United States; (ii) by authority of any of its possessions; or (iii) by the authority of any state or territory, or any county, school district, municipality, or other taxing subdivision of any state or territory not including income tax and not including those assessed for local benefits of a kind tending to increase the value of the property assessed but excluding the income taxes levied

and imposed under this title; provided, however, that any tax not specified in one of the numbered paragraphs of 26 U.S.C. § 164(a) which is paid or accrued in connection with the acquisition or disposition of property shall be treated as part of the cost of the acquired property or, in the case of a disposition, as a reduction in the amount realized on the disposition. In the case of a foreign corporation, taxes paid or accrued within the taxable year imposed by the authority of the State of Alabama or any county, school district, municipality, or any other taxing subdivision of the State of Alabama excluding the income taxes levied and imposed under this title and the amount of taxes other than income taxes imposed by other authorities mentioned in this subdivision which shall be deductible by such foreign corporations shall be determined by the ratio that the gross income of the foreign corporation from sources within the State of Alabama bears to its gross income from all sources both within and without the State of Alabama; the amount of federal income tax which shall be deductible by such foreign corporation shall be determined by the ratio that the net income, as computed without any deduction for any applicable federal, state, or local taxes on net income or any federal or state or local taxes measured by net income, of the corporation on business done within Alabama bears to its net income, as computed without any deduction for any applicable federal, state, or local taxes on net income or any federal or state, or local taxes measured by net income, from business done both within and without the State of Alabama;

"(4) Losses sustained during the taxable year and not compensated for by insurance or otherwise;

"(5) Losses from debts which become wholly or partially worthless during the taxable year determined in accordance with 26 U.S.C. § 166 (relating to bad debts);

"(6) A reasonable allowance for the exhaustion, wear and tear of property used in the trade or business, including a reasonable allowance for obsolescence;

"(7) In the case of mines, oil and gas wells, other natural deposits, and timber, a reasonable allowance for depletion and for depreciation of improvements, according to the peculiar conditions in each case, based upon the cost, including cost of development not otherwise deducted, such reasonable allowance in all cases to be made under rules and regulations to be prescribed by the Department of Revenue; in the case of leases the deductions allowed by this subsection shall be equitably apportioned between the lessor and the lessee;

"(8) In the case of marine insurance companies, there shall be allowed amounts repaid to policyholders on account of premiums previously paid by them and interest paid on such amounts between the ascertainment and the payment thereof;

"(9) In the case of mutual insurance companies, other than mutual life or mutual marine insurance companies requiring their members to make premium deposits to provide for losses and expenses, there shall be allowed the amount of

premium deposits returned to their policyholders and the amount of premium deposits retained for the payment of losses, expenses and reinsurance reserves;

"(10) Charitable contributions, to the extent deductible for federal income tax purposes under 26 U.S.C. § 170;

"(11) The deduction allowed for federal income tax purposes by 26 U.S.C. § 404;

"(12) A deduction for any expense not exceeding \$35,000 actually incurred during the taxable year in removing from any facility or structure in operation in the State of Alabama any architectural or transportation barriers to handicapped persons with nonambulatory or semiambulatory disabilities; provided, however, that any improvements resulting from such expense shall not be eligible to be capitalized for depreciation;

"(13) All amounts invested during the taxable year in all devices, facilities or structures and all identifiable components thereof or materials for use therein, used or placed in operation in the State of Alabama, or to be used or placed in operation in the State of Alabama, acquired or constructed primarily for the control, reduction or elimination of air or water pollution; provided, that in lieu of deducting such amounts, the corporation may elect to amortize all such amounts over such period, not exceeding the useful life of devices, facilities or structures for which such amounts were expended, as it specifies in its tax return respecting the taxable year during which such amounts were expended, in which case it shall be entitled to appropriate deductions for the taxable years so specified; and provided further, that the taking of any deduction authorized by this subdivision shall be optional with the corporation; and that if any such deduction is taken with respect to such devices, facilities or structures, such corporation shall not be permitted any allowance for depreciation or obsolescence thereof otherwise allowable under this section;

"(14) The amounts received after December 31, 1968, as dividends, including liquidating dividends, whether received in cash or property or both, from a corporation or any subsidiary corporation which is either taxable under this chapter upon its net income or exempt from taxation under this chapter by virtue of being an insurance company upon which the statutes of Alabama impose a tax upon, measured by, or with respect to its premium income, if at the time of the receipt of such dividends the corporation receiving such dividends is the owner of stock in the corporation distributing such dividends:

"a. Possessing at least 50 percent of the total combined voting power of all classes of stock entitled to vote; and

"b. Constituting at least 50 percent of the total number of shares of all classes of stock other than classes of stock which are limited and preferred as to dividends;

"(15) The amounts received in taxable years beginning after July 31, 1995, by corporate taxpayers commercially domiciled outside of Alabama on each day of their taxable year, as dividends, including liquidating dividends, whether received in cash or property or both, or as deemed dividends, including amounts included in gross income under 26 U.S.C. §§ 78 and 951, from a corporation or any subsidiary corporation, if at the time of the receipt or deemed receipt of such dividends the corporation receiving such dividends is the owner of stock in the corporation distributing such dividends:

"a. Possessing at least 20 percent of the total combined voting power of all classes of stock entitled to vote; and

"b. Constituting at least 20 percent of the total number of shares of all classes of stock other than classes of stock which are limited and preferred as to dividends;

~~"(15)~~ (16) Organizational expenses ratably over a period of not less than 60 months determined in accordance with 26 U.S.C. § 248;

~~"(16)~~ (17) The deduction allowed by 26 U.S.C. § 179 (relating to expensing certain depreciable property); provided that no deduction shall be allowed by subdivision (6) for any amount allowed as a deduction under this subdivision;

~~"(17)~~ (18) Notwithstanding subdivision (1), the deduction for expenses of travel, entertainment and meals shall be determined in accordance with 26 U.S.C. § 274; and

~~"(18)~~ (19) In the case of a personal service corporation that is subject to the minimum distribution requirements of 26 U.S.C. § 280H, the deductions otherwise allowed by this section shall be limited in accordance with 26 U.S.C. § 280H.

"(b) Notwithstanding any provision of subsection (a) no deduction shall be allowed for any cost required to be capitalized in accordance with 26 U.S.C. § 263A."

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 447, the time to debate the bill, H. 603, and the pending substitute offered by Representative Dukes expired and the Speaker proceeded to the next bill on the Special Order Calendar.



**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Venable, the Budget Isolation Resolution relating to the bill, S. 269, was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Laird, Layson, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

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And the bill:

S. 269. To authorize the Alabama National Guard to enter into an interstate compact to assist others in drug interdiction, counter-drug activities, and demand reduction; and to provide for its purposes, member parties, organization, structure, powers, and duties.

was read a third time at length and passed.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

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**BUDGET ISOLATION RESOLUTION OFFERED**

Representative Venable offered the motion to adopt the Budget Isolation Resolution relating to the bill, S. 270.

**TIME TO DEBATE EXPIRED**

In accordance with the resolution, H.R. 447, the time to debate the bill, S. 270, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

**MOTION TO RECONSIDER ADOPTED**

Having voted on the prevailing side, Representative Boyd offered the motion to reconsider the vote by which the bill, H. 694, as amended, was passed and the motion to reconsider was adopted.

And the bill, H. 694, as amended, was again taken up.

**MOTION TO RECONSIDER ADOPTED**

Having voted on the prevailing side, Representative Boyd offered the motion to reconsider the vote by which the amendment offered by her to the bill, H. 694, as amended, was adopted and the motion to reconsider was adopted.

**AMENDMENT TABLED**

The question was then on the adoption of the amendment offered by Representative Boyd to the bill, H. 694, as amended, and on motion of Representative Boyd, the amendment was tabled.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Warren and Willis.

**REGULAR SESSION  
23rd Day**

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And the bill:

H. 694. To provide that the current chemical stockpile plan, as written by the United States Army shall not change to permit the disposal facility to be permitted and constructed and operated at the Anniston Army Depot for any purpose other than to destroy the stockpile of chemical agents and components existing as of the effective date of this act.

as amended, was again read a third time at length and passed, and ordered engrossed.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

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**BUDGET ISOLATION RESOLUTION OFFERED**

Representative Papucci offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 671.

**TIME TO DEBATE EXPIRED**

In accordance with the resolution, H.R. 447, the time to debate the bill, H. 671, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Mitchell, the Budget Isolation Resolution relating to the bill, H. 615, was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 615. (With Substitute): To amend Section 64 of the Constitution of Alabama of 1901, to prohibit either house of the Legislature from voting to adopt a conference committee report on the General Fund Budget or the Education Trust Fund Budget within 72 hours of the receipt of the conference committee report by that house.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration to the bill, H. 615, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 64 of the Constitution of Alabama of 1901, to prohibit either house of the Legislature from voting to adopt a conference committee report on the General Fund Budget or the Education Trust Fund Budget within 72 hours of the receipt of the conference committee report by that house.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

Section 64 of the Constitution of Alabama of 1901, is amended to read as follows:

"Section 64.

"No amendment to bills shall be adopted except by a majority of the house wherein the same is offered, nor unless the amendment with the names of those voting for and against the same shall be entered at length on the journal of the house in which the same is adopted, and no amendment to bills by one house shall be concurred in by the other, unless a vote be taken by yeas and nays, and the names of the members voting for and against the same be recorded at length on the journal; and no report of a committee of conference shall be adopted in either house, except upon a vote taken by yeas and nays, and entered on the journal, as herein provided for the adoption of amendments. Neither house may vote on a conference committee report on a bill containing the General Fund Budget or the Education Trust Fund Budget within 72 hours of the receipt of the conference committee report by that house."

Section 2. An election upon the proposed amendment shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the general election laws of this state.

Section 3. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

"Proposing an amendment to the Constitution of Alabama of 1901, to prohibit either house of the Legislature from voting to adopt a conference committee report on the General Fund Budget or the Education Trust Fund Budget within 72 hours of the receipt of the conference committee report by that house.

Proposed by Act \_\_\_\_\_"

This description shall be followed by the following language:

"Yes ( ) No ( )."

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 447, the time to debate the bill, H. 615, and the pending committee substitute expired and the Speaker proceeded to the next bill on the Special Order Calendar.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 199. To repeal Section 9-11-49.2, Code of Alabama 1975, relating to the treatment of certain nonresidents paying a certain amount of ad valorem property taxes as Alabama residents for the purpose of purchasing certain hunting licenses.

McDOWELL LEE  
Secretary

**SIGNING OF SENATE BILL**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

**MOTION TO SUSPEND RULES LOST**

The motion offered by Representative Parker (P) to suspend the rules in order to take up out of order the bill, H. 603, and the pending substitute offered by Representative Dukes was lost, lacking a four-fifths vote.

Yeas 46; Nays 24.

Yea:

Representatives Black (M), Boyd, Buskey, Carns, Dolbare, Drake, Dukes, Galliher, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hilliard, Hogan, Johnson (E), Jorgensen, Kennedy, Layson, McClammy, McDaniel, McKee, Morrow, Morton, Murphree, Newton (C), Page, Parker (P), Payne, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Starkey, Thomas (D), Townsend, Vance, Venable, Warren and Willis.

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Nay:

Representatives Baker, Clark (W), Clouse, Crigler, Dean, Flowers, Ford, Gaston, Hall (A), Hayden, Hooper, Houston, Laird, Maull, Minnifield, Mitchell, Moore, Morrison, Pringle, Reed, Seibenhener, Thomas (J), Turnham and White.

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**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 104. HONORING DR. LANCE D. GRISSETT FOR HIS PROFESSIONAL ACHIEVEMENTS.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 104.

**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 105. DESIGNATING THE PORTION OF INTERSTATE HIGHWAY 10 LOCATED IN THE STATE OF ALABAMA AS THE "PEARL HARBOR MEMORIAL HIGHWAY" IN HONOR OF THE SURVIVORS OF THE ATTACK ON PEARL HARBOR.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 105.

**SPECIAL ORDER CALENDAR RESUMED**

**BUDGET ISOLATION RESOLUTION OFFERED**

Representative Hall (L) offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 624.

**MOTION TO ADJOURN LOST**

The motion offered by Representative Baker that the House adjourn until 9:00 o'clock a.m., Thursday, April 25, 1996, was lost.

Yeas 6; Nays 78.

Yea:

Representatives Baker, Clouse, McAdory, Minnifield, Seibenhener and Townsend.

Nay:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Buskey, Carns, Carothers, Clark (W), Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McDaniel, McMillan, Melton, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Turnham, Vance, Venable, Warren, White, Willis and Wren.

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### **SPECIAL ORDER CALENDAR RESUMED**

#### **BUDGET ISOLATION RESOLUTION ADOPTED**

The question was then on the motion offered by Representative Hall (L) to adopt the Budget Isolation Resolution relating to the bill, H. 624, and the Budget Isolation Resolution was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, White, Willis and Wren.

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And the bill:

H. 624. To provide for the coverage of postpartum care under certain conditions by a health maintenance organization, nonprofit hospital service plan or service contract, managed health care provider, disability or health care contract, plan, or policy, issued, renewed, or delivered in this state.

was taken up.



**SUBSTITUTE OFFERED**

Representative Hall (L) offered the following substitute to the bill, H. 624:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for the coverage of postpartum care under certain conditions by a health maintenance organization, nonprofit hospital service plan or service contract, managed health care provider, disability or health care contract, plan, or policy issued, renewed, or delivered in this state.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. As used in this act, the following terms shall have the following meanings:

(1) **HEALTH BENEFIT PLAN.** A health insurance policy that covers hospital, medical, or surgical expenses, health maintenance organizations, preferred provider organizations, medical service organizations, physician-hospital organizations, or any other person, firm, corporation, joint venture, or other similar business entity that pays for, purchases, or furnishes health care services to patients, insureds, or beneficiaries in this state. For the purpose of this act, a health benefit plan located or domiciled outside of the State of Alabama is deemed to be subject to the provisions of this act if it receives, processes, adjudicates, pays, or denies claims for health care services submitted by or on behalf of the State of Alabama or who receive health care services in the State of Alabama. The term includes, but is not limited to, entities created pursuant to Article 6, Chapter 4, Title 10, Code of Alabama 1975.

(2) **MEDICALLY NECESSARY.** A medical or surgical service, including inpatient hospital care, is medically necessary when in the opinion of the attending physician or the attending certified nurse midwife practicing in collaboration with an obstetrician-gynecologist, the patient's health would be adversely affected if the service is withheld or discontinued. Medically necessary postpartum care for a mother and a newly born child shall be consistent with the most recent version of the "Guidelines for Perinatal Care" prepared by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists.

Section 2. Every health benefit plan that provides maternity coverage shall provide coverage for medically necessary inpatient care for a mother and her newly born child as determined by the woman's prenatal care physician, obstetrician-gynecologist, certified nurse midwife, or the child's attending pediatrician and when consistent with the most recent version of the "Guidelines for Perinatal Care" prepared by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists.

Section 3. No health benefit plan subject to the provisions of this act shall terminate the services, reduce capitation payment, or otherwise penalize an attending physician, certified nurse midwife, or other health care provider who orders medical care consistent with this act. No health benefit plan shall provide, directly or indirectly, any financial incentive or disincentive or grant or deny any special favor or advantage of any kind or nature to any person to encourage or cause early discharge of a hospital patient from postpartum care, excluding capitation or global fee arrangements.

Section 4. A license issued by the Department of Insurance to an insurance company or a health maintenance organization shall be subject to suspension, revocation, or imposition or other administrative penalty authorized by law, within the discretion of the Commissioner of Insurance, for any violation of the provisions of this act.

Section 5. Every health benefit plan shall inform female participants, enrollees, or beneficiaries of this act in writing within 90 days from the effective date of this act and thereafter at least once each year.

Section 6. This act shall apply to all programs administered by the Alabama Medicaid Agency.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this act are repealed.

Section 9. This act shall become effective October 1, 1996, after its passage and approval by the Governor, or upon its otherwise becoming a law.

### **SUBSTITUTE ADOPTED**

And the substitute was adopted.

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Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 624. To provide for the coverage of postpartum care under certain conditions by a health maintenance organization, nonprofit hospital service plan or service contract, managed health care provider, disability or health care contract, plan, or policy issued, renewed, or delivered in this state.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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**CO-SPONSORS ADDED**

The following were added as co-sponsors to the bill, H. 624, as amended:

Representatives Allen, Bandy, Carothers, Clark (W), Curry, Dolbare, Drake, Hammett, Haney, Hayden, Johnson (R), Jorgensen, Laird, Layson, Lindsey, McClammy, McDaniel, Millican, Minnifield, Mitchell, Morton, Papucci, Petelos, Robinson, Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Vance, Venable and Wren.

**MOTION TO ADJOURN LOST**

The motion offered by Representative Sanderson that the House adjourn until 9:00 o'clock a.m., Thursday, April 25, 1996, was lost.

Yeas 39; Nays 43.

Yea:

Representatives Baker, Black (L), Buskey, Carns, Clark (W), Collins, Curry, Dean, Drake, Graham, Hamilton, Hawkins, Hayden, Houston, Jackson, Jorgensen, Layson, Lindsey, Maull, McAdory, McClammy, McKee, Melton, Millican, Minnifield, Mitchell, Morrow, Morton, Page, Payne, Penry, Pringle, Reed, Rogers (J), Sanderford, Sanderson, Seibenhener, Thomas (J) and Townsend.

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Nay:

Mr. Speaker, Black (M), Boyd, Carothers, Clouse, Dolbare, Dukes, Flowers, Fuller, Gaines, Gaston, Gipson, Hall (A), Hammett, Haney, Hawk, Hill, Hilliard, Hinshaw, Hogan, Knight (A), Laird, McDaniel, McMillan, Moore, Morrison, Newton (D), Papucci, Parker (P), Perdue, Petelos, Robinson, Rogers (M), Sims, Smith, Spratt, Starkey, Turnham, Vance, Venable, White, Willis and Wren.

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**SPECIAL ORDER CALENDAR RESUMED****BUDGET ISOLATION RESOLUTION OFFERED**

Representative Page offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 528.

**MOTION TO ADJOURN LOST**

The motion offered by Representative Seibenhener that the House adjourn until 9:00 o'clock a.m., Thursday, April 25, 1996, was lost.

Yeas 31; Nays 40.

Yea:

Representatives Baker, Burke, Carns, Collins, Curry, Hamilton, Hawkins, Hinshaw, Houston, Jorgensen, Knight (J), Layson, Maull, McAdory, McClammy, McKee, Minnifield, Mitchell, Morton, Payne, Penry, Petelos, Reed, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Thomas (J) and Townsend.

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Nay:

Mr. Speaker, Black (L), Boyd, Carothers, Crigler, Drake, Flowers, Fuller, Gaines, Gipson, Guin, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hogan, Jackson, Johnson (R), Knight (A), McDaniel, McMillan, Millican, Morrison, Murphree, Newton (D), Papucci, Parker (P), Perdue, Robinson, Rogers (M), Spratt, Starkey, Turnham, Vance, Venable, Warren, White and Wren.

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**SPECIAL ORDER CALENDAR RESUMED**

**BUDGET ISOLATION RESOLUTION ADOPTED**

The question was then on the adoption of the Budget Isolation Resolution offered by Representative Page to the bill, H. 528, and the Budget Isolation Resolution was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes,

Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maul, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Papucci, Parker (P), Payne, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 528. Providing for certain debit cards or credit cards for students enrolled in public institutions of higher education which may be used to purchase certain merchandise and services.

was taken up.

### **TIME TO DEBATE EXPIRED**

In accordance with the resolution, H.R. 447, the time to debate the bill, H. 528, expired and the Speaker proceeded to the next bill on the Special Order Calendar.

### **BUDGET ISOLATION RESOLUTION OFFERED**

Representative Turnham offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 504.

### **RESOLUTIONS**

The following resolutions were introduced:

By Representative Murphree:

H.J.R. 449. HONORING THE LIFE OF J. C. CARR OF ONEONTA, ALABAMA.

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The resolution, H.J.R. 449, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hammett:

H.J.R. 450. DESIGNATING TOURISM WEEK 1996 IN THE STATE OF ALABAMA.

The resolution, H.J.R. 450, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Hall (A):

H.R. 451. COMMENDING VIVIAN STAPLES OF GURLEY, ALABAMA, AS RECIPIENT OF THE ALABAMA SENIOR CITIZEN AWARD.

**CERTIFICATE OF CLERK**

To the House of Representatives:

I hereby certify that the House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:17 A.M. on April 24, 1996.

H.J.R. 387

H.J.R. 389

H.J.R. 399

Delivered to the Governor at 1:45 P.M. on April 24, 1996.

H.J.R. 186

H.J.R. 395

H.J.R. 419

Delivered to the Governor at 2:40 P.M. on April 24, 1996.

H.J.R. 410

H.J.R. 413

H.J.R. 420

GREG PAPPAS  
Clerk

### ADJOURNMENT

On motion of Representative Dolbare, the House adjourned until 9:00 o'clock a.m., Thursday, April 25, 1996.

Yeas 38; Nays 33.

Yea:

Representatives Bandy, Black (L), Black (M), Carns, Clouse, Collins, Curry, Dolbare, Drake, Guin, Hamilton, Haney, Hawkins, Hayden, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Kennedy, Layson, Lindsey, McAdory, McClammy, Melton, Minnifield, Moore, Morton, Murphree, Page, Papucci, Payne, Reed, Rogers (J), Sanderford, Sanderson, Spratt and Townsend.

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Nay:

Representatives Carothers, Carter, Dukes, Flowers, Fuller, Gaines, Gipson, Hall (A), Hammett, Hawk, Hilliard, Johnson (R), Jorgensen, Laird, McDaniel, McKee, Morrison, Morrow, Newton (D), Parker (P), Petelos, Rogers (M), Sims, Smith, Starkey, Thomas (D), Turner, Turnham, Vance, Venable, Warren, White and Wren.

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